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Book of Common Prayer

AND THE

CANONS

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CHURCH of ENGLAND,

So far as they relate to the Parichial Clergy.

In a Course of

Visitation Charges.

By THOMAS SHARP, D. D. Archdeacon of Northumberland.

Published at the Request of the Clergy of that Archdesconry.

LONDON:

Printed for J. and P. KNAPTON in Ladgue Street.

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hie on their occations. And there

Archdeaconry of Northumberland.

A Sthese Discourses were composed intirely for your Use. MY BRETHREN, and were addressed in their delivery to you close. I should have seemed to obstruct their Original Design, if I had not readily complied with your Desire of making them publicle: and I should have appeared equally unmindful of the Right and Title you have in them, if I had not inscribed them to you at their Publication, and begged your Acceptance of them in this Form of your own chusing.

A 2

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It must indeed be confessed, that what is spoken in our Courts of Ordinary Visitation, is usually done with no small disadvantage to the Hearers, whose attention is too often interrupted, or at least rendered very incommodious, by circumstances unavoidable on those occasions. And therefore a private and unmolested perusalof these Charges which these sheets will afford you, may enable you to judge better of them, than you could possibly do at the time of hearing them. band if upon a cool and deliberate examination of them, you shall not withdraw the Approbation which you have aignified by your late kind Request, you will make this farther tender of my Respects to you greatly geared equally Hilymor vrobalish Hight and Title you have in them, THE WE are other Advantages also

that they accrue; from my preferring them to jud collected thus into one

mengewn chufing.

System or Body. The chief of which, as I esteem it, is, that, by this means, many of you who had no concern in the Ministry, at least not bere, and confequently no Call to my Vifitations when I first entered upon these Subjects, or who were occasionally absent while I was profecuting them, will have the opportunity of feeing the whole Plan executed, and the feveral parts of it, which were before detached, and exhibited at great diffarices from each other, now brought together Into tone point of View More than twenty years are elapled, fines I undertook the handling of these matters at those stated Seafons a Period of Time within which a great alteration has been made by the course of Nature, both in the beneficed and affifting Clergy to that few of those who have heard the Charger that make the latter part of idendeavoured to Apply in the Weses whatever

this Collection were present at my delivery of the former in moone is

many of you who had no concern an I HAVE likewise taken the benefit of the Press in subjoining, by way of Annotation, what could not he conveniently inferted in the Bedy of the Discourses themselves wis. I several little particulars fublervient to their Explication and Illustration ofuch as, References to the Authors I had cited of from whom I had borrowed Materials; Many occasional Remarks, and fome few Difeuffions of Points, which, though less fignificant are yet relative to the main Subjects And worthis History of a Rubbia or Canon, spaced down from the serlicit known appointment of it in this Realm to it present approved Effablishment, is the furest way of change at it's true intention and use I have therefore more particularly endeavoured to supply in the Notes whatever

whatever was wanting of this kind in the Charges themselves, and as they will by this means become more useful and instructive to the Younger Clargy, so I am willing to persuade myself that they will not for this reason be less acceptable to the Elder, who are better versed in the Ecclesiastical History of our Church,

and no not know how far my experience, as a Parochial Minister, may be prefumed to give any weight to the advices I have offered you under another Character, which I have had the undeferred honour to bear for the space of thirty years among you. Yet as I have been all that while, and a still longer time, a Fellow Pastor with you and your Predecessors in this Archdeaconry, and have given no flight attention to that more important, though less distinguished employment in the Church; I flatter myfelf A 4

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myfelf that I have had experience fufficient to justify the use I have made of it in these compositions. And I can truly plead in behalf of my Charges to you, that they are not merely the dictates of Office; but consist in good measure of sentiments formed upon observation, and confirmed by practice in the Ministry.

so we of you may remember, and can witness, that I did not venture to pals my judgment on these subjects, or to use the privilege of my station in discussing them in publick, till I had been exercised myself above ten years in an extensive cure; and confequently could be no stranger to the executive part of those Ecclesiassical Laws, which I undertook to explain and enforce. And now I may venture further to assure you, that I have enjoined you nothing but what I first had made a rule of to myself; that I have

I have proposed nothing to any of you as expedient to be observed in your several cures, but what I have experimentally found to be both practicable and convenient, at least in Country Parishes, such as I serve myself, and such as most of you are placed in; and, lastly, that, in whatever instances I have taken the liberty in my own practice to depart from the Letter of the Lows, in all such instances I have likewise left you free to act according to your own discretion and prudence.

for what I have given you in Charge, it would caree be reasonable to expect you should pay regard to what I have said. But, even when I have pleaded this in my defence, it must be left altogether to your judgment, whether this is a circumstance that can otherwise bestriend these Discourses, and

than as it gives them a decency and propriety, without which they must have wanted the principal thing necessary to recommend them controls

of insuperable Difficulties attending a further Conformity to the Beelefastical Low in our present circumstances; wherefore I have endiayoured in a very linkatice not our Obligations, citate this objection and reconsile Low with Practice, by shewing how our Conduct may be adjusted to our Rule, and conducted uniform and irreproachable of itself, as well as consistent with and agreeable to, these Lows by which it is to be regulated.

things that I have observed, about things that I have observed, about things that I have observed, about the Brethren in some other parts of neit

this Realth, and chiefly in those great and populous Towns where Cuftoms repugnant to the Ecclefiaftical Laws, and in manifest violation of them, have unhappily prevailed: and particularly in the articles of Marriages, Baptifus, Churchings, &c. All I can lay is, that I did not mean here in to pals centures on other Clargymen, who are differently circumstance ed from what we are here all am not indeed to good a judge of their filmations and opportunities as I am of yours ; hay I am fenfible that fome things practicable with us can scarce be faid to be fo, as matters now fland, in forme! other places in particularly in the Capital of this Kingdom; where the difficulties that the Parechial Clerg) mult necessarily meet with in their attempts to govern their Ministrae tion by the prescribed Rules of the Church, after Cuftom and Fashion have established a practice contrary to those Rules,

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Rules, are justly to be complained of, and greatly to be lamented by them.

Bur the case is otherwise within this gjurisdiction, ve where, gealthough fome irregularities have been occafionally committed, yet they have all ways been condemned as innovations upon Church-Discipline, and unwarrantable; and they have never grown into an avowed or customary practice. And therefore what I have urged a gainst such mishchaviours, on purpose to prevent their coming by degrees into more frequent ulage, and, I conceive, jully lurged with respect to you; should not be rigidly interpreted to the blame on offence of our Brethren in other Jurifdictions, with whole Ministerial Acts I am not concerned, and whole peculiar diffresses, from the predominancy of Cufforn over Church Authoriy in the places where they ferve, fell not within the verge and compals of my Rules

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my enquiries. So that the determination of all fuch extraordinary Cafes as arise from the local impediments abovementioned, are left by me (as it is fit they should) to the Judgment of those Clergymen who by experience understand the state of these cases best, and to the Wisdom of their Ecclesiastical Superiors, who alone, as I apprehend, have the power to relieve them effectually under fuch circumflances; and who alone must judge at what time, and in what manner, it will be most prudent to attempt the relief of their Inferior Clergy in this difagreeable fituation.

Bur there are other things in these Discourses, especially in the twelve last, which are a kind of Commentary upon those Canons which relate to our Order, under the Title of Ministers and their Functions, that may chance to meet with a better reception

having laid down fucly came at Rule

tion from our Brethren in other Die oyer; as well because this is the first attempt of that fore fo far as I know, that has been hitherro made, as be cause it has been my principal aim and endeavour, throughour, to give reasonable solutions to such questions as any Clergyman, who is unpractifed in Canon Low, and a stranger to these studies, would be apt to ask upon reading our Canons, respecting his Administrations, Subscriptions, and Comver fation. And, where I have not refolved any such question directly, I have at least brought together the proper materials for it's refolution. having laid down fuch general Rules for interpreting the Conflictutions wherein we are concerned, as will, by a proper application of them, make the determination of particular Cafes preour Order, understored bins reals et Acre and their Functions, that may

done this way might prove a means

of exciting more able persons to the same useful undertaking; being persuaded that, if these subjects were prosecuted by more skilful hands, the Obligations of the Parochial Clergy to conform to the Esclesialical Laws might be exhibited with greater accuracy, as well as enforced by better authority.

In the mean time it is enough for me that I have been so happy as to obtain your testimony, that what I have prepared on these subjects for your consideration has been done to your satisfaction. And, whatever Judgment shall be passed on these Discourses in other Dioceses, yet I am willing to hope for good essection to which we belong. And give me leave to assure you on this occasion, that your good success and credit in

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the Ministry have long been, and always will be, among the warmest wither of research and be built and the standard of the land below to the land below to the land below to the land below of t

and Faithful Servant,

In the mean time it is enough for me that I have been so shappy as to obtain your testitions, that what I have prepared on these subjects for season lattices. A season of these subjects for year lattication, and whatever judgment shall be judied on these Differential to hope for good climberon willing to hope for good climberon them within this jurishicitis. So with your good success and credit in your good success and credit in

dent of may haight move a paratis

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THE first Discourse in this Collection was delivered at the Visitation held in the year 1731 at BELFORD, ROTHBURY, and CORBRIDGE, in the County of Northumberland, and at NEWCASTLE upon Tyne.

THE rest were delivered in the several years following, according to the Dates prefixed to each Discourse, at the Visitations held at A L N-WICK and MORPETH in Northumberland, and NEWCASTLE upon Tyne.

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THE

RUBRICS and CANONS

Of the CHURCH of ENGLAND,

So far as they relate to the Parochial Clergy,

Visitation Charge Anno 1731.

Ordinances as are meetly academatically and

DISCOURSE LOCA

Different Degrees of Obligation to the Eccle-

Reverend Bretbren,

OT having at this time any thing in particular to charge you with, I shall assume a general Topic; which without any further preamble shall speak it's own propriety and

fuitableness to the occasion;

AND that is, to enquire into the measures of obedience due from us of the Parochial Clergy of this Established Church to those Ecclesiastical Laws, Constitutions, and Rules, which relate to ourselves and the duties of our Function: And how far we may with a good conscience, and without deserving to be charged with the breach or violation.

lation of them, depart from the literal meaning or precise observation of them, and

how far we may not.

It appears upon the very putting or stating this Question, that it is not to be understood of any Duties to which we are antecedently bound by the laws of the Gospel, either as Men or as Clergymen; but only of such Ordinances as are meerly Ecclesiastical, and in their own nature indisferent, being no more than rules of Discipline, Order, and Decency, to the observance of which we are bound only by the local constitutions of

our National Established Church.

Now some are of opinion that if we do but answer the general intention of our Governors in making those Statutes and Canons and Constitutions, of which collect-lvely our Ecclesiastical Law confists, though we do not keep Rrictly to the letter of them, we do what is fufficient to answer our obligations. And though what we do may be called with regard to the rules themfelves irregular; that is to fay, strictly speaking, unstatutable, or unrubrical, or uncanonical; according as it respects the different kinds of Laws that are in force; and as fuch will properly be a Default cognizable either in the Spiritual of Temporal Courts; yet, fay they, wherever waftom hath given a kind of Sanction to these wregularnies, and the Executive Powers have ufually usually neglected to enforce the literal and punctual observance of the Laws, there we are dispensed with, and are lest at liberty to act according to our Judgment: That, as there is no peril, so neither is there any harm in using our own discretion in all such cases.

Bur others there are on the contrary. who think this fort of realoning not just. But tell us, that wherever our rule is clear and express, though we may not fee the expediency of it, yet we are bound to follow it frietly, provided it be a practicable thing! Not are we allowed to deviate from it in any wife on account of our own Opinion of the delign of our Governors in enjoining it; of which defign we are not to make ourselves the Judges, further than as it appears from their own words, which we are to interpret by the common rules of conftruction. That, wherever the direction is not Afficiently plain and explicit, there we must be guided by our Local Ordinary, whose determination mast be four Rule. That as all these Laws however pertaining to things indifferent were defigned on the one hand to that out superfittion, and prevent all gradual advances to a Religion of Ordinances; and on the other hand to preferre not only a public face and appearance of Ecclefialtical Polity, but a Decency and Decorum in it neither of which ends can be duly answered without Uniformity, that

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The RUBBICS and CANONS of the

is, unless we do all agree in the same obfervances; fo confequently, fay they, All Innovations, All Alterations, either way, in the same rule must be prejudicial to our present Church-Establishment; at least till fuch alterations shall be made by proper and fufficient Authority and another man

HERE lies the force of what is to be faid on either fide of the Question, And we cannot but confess that both these ways of arguing may be in their turns admissible: that is though they cannot both be rightly urged for one and the fame thing, yet they may both take place in the variety and different circumstances of those rules that are enjoined us by Authority: Although perhaps it may not be easy to ascertain the precise bounds for each of these ways of reafoning, and to affign the point where one of them will end, and the other begin,

IT is true, it were easy to distinguish between fuch Laws as are of greater or less moment or expediency to be observed by us; or between fuch as are bound upon us by greater or lefs fanctions or penalties: Or between fuch as have feemingly more or less validity and force by their being, or not being repeated and promulged in different forms. But still some of these distinctions will reach our present Question. For whatever is Law. to speak properly, and according to the Juridical Maxim, doth not suscipere magis & minus. Upon which reasoning lawful Canons and Constitutions have been adjudged to be as much Law, and as good Law as Statutes. And therefore the resolution of our present Enquiry must be put upon some other footing.

Now I shall be free to tell you my own thoughts of the matter; though at the same time I do not propose them as certain rules for any of you. Surely it concerns every Clergyman to be his own Judge and Casuift in these points. Every man will have his own fentiments concerning his own personal obligations. However it may help your private way of thinking on this subject if I offer to you the result of my own reflections up-

In the first place then I apprehend we ought to make a difference (and it is a material one in our present case) between those Laws and Rules, to the observance of which we have bound ourselves by public declarations and express promises, and those which are bound upon us by authority only, without our formal consent or voluntary stipulation to observe them. For, in this latter case where our obligations arise meerly from the authority that preferibes, fome things may be justly and reasonably pleaded for a Dispen-sation for Non-observance, which yet cannot on any pretence be alledged in the former cale, where we have by one or more volun-cary acts made ourfelves parties, and have B 3 engagements

with great solemnity tied ourselves up to the performance of any Rite or Ceremony: Provided such Law or Custom be not against the Laws of God; which we are supposed to be clearly satisfied in, before we enter into such

engagements.

HENCE then we learn upon how different a footing our Rubric, to which we have thus bound ourselves by express consent and promise, is from all other Ecclesiastical Laws, where our personal engagement is out of the question. For without confidering the Rubric as Statute, and as such only upon the level with feveral other subsequent acts of Parliament relating to our occasional Ministrations, we are under this peculiar circumstance of obligation to observe it, that we have by our imbscriptions at both Ordinations, by one of our vows at the Altar for the order of Priesthood, by our subscriptions and declarations of Conformity before our Ordinary, and repetition of them in the Church before our Congregations, and likewife by our declarations of Affent and Confent, as prescribed in the act of Uniformity . I say we have in all these several ways tied our-selves down to a regular, constant, conscientious performance of all and every thing prescribed in and by the Book of Common-Prayer according to the ulage of the Church of England. And feeing it bath been the Wifdom of our Church to lay us under these engagements daiw

engagements in order to preserve exact uniformity in public worship, and all the liturgic offices; nay fince it hath been judged proper to carry us through a train of these stipulations before we can get possession of any benefice; and to make us renew them again and again, as often as we change out preferment, or obtain any new promotion; and feeing that we have entered (as we have professed) ex anima, into this covenant with the Church, and have deliberately renewed it, as often as there hath been occasion; How frivolous is it for any of us to fay, that the connivance, or the prefumed confent of our Ordinary, or the private conveniency of ourfelves or families, or the obliging any of our Parishioners, or the apparent inexpediency of adhering to the letter in fome few cases will diffolye this our obligation to Conformity? Why furely we must know that thefe and the like allegations are quire out of the case; that however our Church Governors may dispense with our breaches of Rubric, however our people may acquiefce in them, or approve of them, yet that the Question is how far we are at liberty to difpense with ourselves on account of the forementioned engagements. To which God and the Church are made witnesses in as folemn a manner, as they are to our personal stipulations at Confirmation or Matrimony: Or whether we have not in this case preabbo . B 4 cluded cluded ourselves from all benefit of such exemption or dispensation, as might perhaps be reasonably alledged in several other meer-

ly statutable or canonical matters.

THIS indeed we must always take along with us, that our obligations to observe Rubric, how indispensable soever, are subject to this proviso, viz. that the rule prescribed be a thing practicable; which perhaps cannot be faid of all Rubries in all Churches, or in all places of the kingdom; nay that it be a thing that falls within the Minister's power, fo that he be not deprived of his liberty in acting, or restrained in it by the previous acts of other people; whereby what would be practicable in itself, is rendered not practicable by him. I will not positively say, that no other proviso is to be allowed of or admitted; because this cannot be determined absolutely, or otherwise than by a particular confideration of each rule or injunction under feveral different circumstances which I shall hereafter (God witling) examine distinctly. But at present we may affirm in general, that we are under higher obligations to observe Rubrie, than any other Ecclefiaftical Law whatfoever; that excepting a very few cases or under some necessary limitations and referentions, to be hereafter specified, we are bound to adhere to it literally, punctually, and perpetually: And that who over among the Clergy either chade adds

adds to it, or diminishes from it, or useth any other rule instead of it, as he is in the eye of the Law so far a Non-conformist, so it behaves him to consider with himself, whether in point of conscience he be not a breaker of his word and trust, and an eluder of his engagements to the Church.

PROCEED we then to enquire how the Question stands with respect to the remaining large body of Ecclesiastical Laws which relate to our Function, and to which we are not bound by any formal promise, but only

by virtue of their own authority.

AND here, in the second place, I apprehend we may look upon ourselves as discharged from all fuch as are by length of time, and through defuetude, antiquated and grown obfolete, though they were never actually repealed by any proper authority. That is to fay, there are a great many old Ecclefiaftical Laws and Rules which were once binding upon the Clergy, and which yet make no small part of the Ecclesiastical Code, which notwithstanding have been abrogated and repealed, (if I may so speak) by the meer authority of custom; the Legislature in the mean time acquiefcing in their dormancy. Of this fort are the Provincial and Legatine Constitutions; though the Provincial indeed properly speaking never belonged to the Clergy of this Province, although they were in part received. But if they had belonged, mixed

belonged, as well as the Legatine, yet their authority now-a-days would be as little. I should indeed except the Spiritual Courts, I do not know what weight the Old Constitutions may have in them. To those who study the Canon Law they may be perhaps of great service; but with respect to the Parochial Clergy, whose obligations I am now considering to conform themselves to the Canon Laws, these old constitutions seem to have lost their force and credit; and serve at present like old coins, rather for matter of curiosity or criticism, than for immediate use.

And the same may be said of some Statute Laws too about Ecclesiastical Matters enacted before the Reformation; which none of us will think ourselves obliged to regard, though they stand in the Statute Books to this day, unrepealed, otherwise than, as I said before, by custom and usage. In these rates where long desurtude and a determined avowed connivance of the Executive Powers have granted a full toleration and exemption from the penalties of Non-observance, I conceive we are left at our own liberty.

Thus far we have taken the matter in the two extremes; and confidered where our obligations are at the highest, and where they are at the lowest, or rather where they cease and determine. Now whatever falls between these two will make a third and a mixed CHURCH of ENGLAND confidered. 11 mixed class. And here particularly with fall our present body of Canons of 1603, and also such operational acts of Parliament as have been made since the Reformation.

Now as to the Canons in particular, I believe no one will fay that we are bound to pay obedience to them all according to the letter of them. For the alterations of customs, change of habits, and other circumstances of time and place, and the manner of the country, have made some of them impracticable; I mean prudentially fo, if not literally. Others of them are uteless and invalid on course through defect of proper officers and proper enquiries to render them of force and effectual: And there are hardly any of them but what have been upon extraordinary loccations difpenfed with by our Governors. And yet on the other hand that they are of very confiderable authority appears from hence, that they are the standing Ecclefiastical Laws of the Realm, the confrant rules of the Ordinaries enquiries at their Visitations, the grounds of Presentments of Delinquents and Irregularities, upon oath, and the foundation upon which Ecclefiaftical Cenfures and Judgments commonly fland.

Ove present Question than must be what measures of obedience we of the Clergy owe to those Canons which respect our own behaviour or function.

To which I answer, that, in my own opinion, there are three forts of Dispensations which

which will justify us in not strictly following the letter of the Canons, provided we always have an eye and regard to the general design of them.

Dispensations from sufficient authority; which

are good in Law and Conscience too. do vio

THE second are particular tacit Dispenfations; that is, when the Ordinary or other proper Guardian or Conservator of the Ecclefiastical Laws is known to be consenting in any special case, though he doth not signify such consent either by instrument or open declaration. And these I hold to be good in Conscience, whatever they be in Law.

THE third are general tacit Difpensations, when the Ordinaries or other Spiritual Judges, whose bufiness it is to enforce discipline and rule do appear, by a general and avowed neglect of putting the Canons in force, to agree and confent to their non-observance. That is to fay : Private Clergymen do not feem to be bound to what their Superiors in the Church do not feem to expect or require of them; or which at least they do forbear by mutual agreement to enforce. If there is any fault here, it lies rather at the door of Church Governors, than the Parochial Clergy. However while they look to that who are most concerned in it, I proseed to observe the review I thinks o'Dalls colinions, there are those form of Dinentenions

which

CHURCH of ENGLAND confidered. 13

THAT these three kinds of Dispensations feem to be good and justifiable, provided, as I faid before, that there be a particular expediency in not adhering strictly to the letter of the Canons, and the general and main design of the rules enjoined in them be as well or better answered another way. For otherwise, where the thing is both feasible and unexceptionable, fo that a man may as well follow the rule as not, I cannot think but that he is strictly bound by it, notwithstanding any kind of Dispensation to the contrary. For all Dispensations are supposed to be founded upon some sufficient reason why fuch particular things should not be literally observed by such particular persons. Nor is there any liberty to be taken with the standing Ecclefiastical Laws, further than there is a good reason, and a peculiar expediency, as well as licence, given or prefurned thereupon, for taking it

THE Rules of Direction then which follow upon these Observations, are these two Which indeed not only respect the Canons, but several other Statute Laws yet in force.

FIRST, to adhere closely and strictly to the letter of them in all cases where we cannot plead any of the three kinds of Difpenfations abovementioned and the first the attended to

SECONDLY, in all cases where we car: plead a Dispensation from the letter, to anfwer the true intention of them, fome other Authority

way:

14 The Rubates and Canons of the

way! And not to depart further from them than we have faisfactory reasons as well as leave to justify and warrant us in doing.

AND by these two rules it will be no difficult thing to take the just measures of our obedience to every particular Canon or Statute that relates to our Function, Habit, or Conversation.

I HAVE indeed all the way purpolely avoided giving instances of those particular statutes, Canons, and Constitutions which I had in my eye in the course of these observations, because this would have taken up too much of our time now. But I intend, with God's leave, hereaster, as suture opportunities may allow, to apply what is now faid in general to all the particular cases, as well reprical as canonical, in which we are, or ordinarily can be, concerned.

A 70 present I shall only confirm the differencion I have made between our obligations to observe Rubric and Canons by a parallel case taken from the doctrines to which our Church math required our affent and approbation to be expressed; But in a different degree and manner.

The XXXIX Articles and the two books of Homilies are the doctrine of this National Church, as established lines the Reformation. In like manner the Rubric and Canons are the flanding Laws of this Church. And is the Articles and Homilies are let forth by Authority

CHURCH of ENGLAND confidered. 15 Authority to be the rule of our Doctrine who are admitted to be Teachers in this Church: to likewife the Rubrics and Canons are to be the Rule of our Ministration who are appointed to officiate in this Church.

Now we shall find upon examination that the fame degree of preference that is given to the Articles of Religion before the Homilies in point of Doctrine, is given to the Rubric before the Body of Canons in point

of Practice.

THE XXXIX Articles for instance being the capital rule of our Doctrine, as we are Teachers in this Church, (they being this Church's interpretation of the Word of God in Scriptute fo far as they go) and deligned as a bulwark against Popery, and Fanaticism, we are bound to a very full and explicit acknowledgment under our hands that we do deliberately, and advitedly, and ex animo affent to every part and proposition contained in them. For this every body knows to be the meaning of Clerical Subscriptions both before Ordination, and as often as the three articles of the 36th Canon are fubicribed by us.

In like manner the Rubric being the standard of Uniformity of Worship in our Communion, the adding to which tends towards opening a gap to popilit superflictions, and the increase of human inventions in the fervice of God; and the fubtracting from which tends towards paving a way to a fa-

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natical difuse and contempt of Rites and Coremonies; therefore we are obliged not only to declare our ex animo approbation, affent, and consent, to the matter of the Rubric, but are laid under religious promises, that we will in every particular prescribed in and by it conform ourselves to it as the rule of our Ministration.

AND indeed confidering that both the Articles and the Rubric are Statute as well as Canon Law, and have equally the fanction and authority both of the Temporal and Spiritual Legislatures; and considering the condition upon which we are admitted to minister in this Established Church, which is our folemn reception of them both as our Rule; I do not fee how any man can with a good conscience continue acting as a Minifter of our Church, who can allow himself either to depart from her Doctrine as expressed in her Articles, or from her Rites and Ceremonies as prescribed in the Service-book. Wherefore it is not without reason, that the a8th Canon, which is intitled Revolters after Subscription censured, expressly denounces, that if any Minister after having subscribed the three Articles of the 36th Canon Shall omit to use any of the orders and ceremonies prescribed in the Communion book, he shall be suspended; and if after one month he reform not, he shall be excommunicated; and if after the space of another month, be fubmit not bimfelf, be Shall be deposed from the Ministry.

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UNDER fuch strong securities hath our Church obliged us to be observant of Rubric.

But then the case of Homilies and Canons is different from that of the Articles and Rubric. They are indeed equally set forth by Authority. The one is as truly the Doctrine, and the other is as truly the Law of the Church. But still the regard that we are supposed to pay to them is not equally the same. For, though we subscribe to the Homilies, yet this subscription amounts to no more than our acknowledgment that they contain a godly and wholesome Doctrine necessary for the times they were written in, and sitting to be publickly taught unto the People; and not that we will maintain every particular Doctrine, or Argument, or Affertion, contained in them.

In like manner we fay as to the Canons. We receive them in general as a good body of Ecclefiaftical Laws. We acknowledge the whole comencies and fitness of them all for discipline, and order, and edification, and proper in every respect for the times in which they were drawn up. But we do not look upon every particular thereby enjoined as absolutely and indispensably requisite to be practiced now by us in the manner it is enjoined, any more than we hold our approbation of every sentence or expression in the Book of Homilies to be necessary. And as the Laws allow licenses to be granted to

certain persons to preach their own Sermons instead of reading Homilies to the people; nay as we univerfally prefume upon fuch licence, though we have not a regular one either from our Ordinaries or from the Universities; so likewise dicences are granted to absolve us formally from our obedience to the Canons in cortain infrances; nay and we do usually in some other instances take the fame liberty that we do in preaching without special licence: Viz. from the constant and apparent connivance of our Ordinaries we infer a general tacit Dispensation for several practices, which, if examined by the letter of the Canons, would appear illegal and irregular. And I do not fee much room to object against making such an inference, provided we always use this liberty we take with the Canons with prudence, and cautign, and moderation, and by a practice which we suppose will as fully answer the true intention of the Canons, as we suppose the preaching our own discourses will answer the true

But give me leave to fay, that if any man shall extend this liberty which he takes with the letter of some Canons, to Rubrical injunctions; and shall prefume to innevate, or vary the form and practice therein presented him, where no authority doth difpease with him; he is as much to blame, and doth as much prevaricate, and fall from his

CHURCH of ENGLAND considered. 19

his folemn declarations and professions, as if he extended his liberty of preaching his own Sermons without licence to the maintaining Doctrines in the Pulpit contrary to, or inconsistent with, the XXXIX Articles of Religion.

AND thus much by way of general Distinction; the force and truth of which will much better appear, when we shall come hereaster to apply this general plan or scheme which I have now laid down to particular cases, in which we are, or may be concerned as Parochial Ministers.

riedable the dates of our Function. It was

proposed in profession of this delign, as opportunities fiscald offer to examine, into the force and obligation of thole fayeral laws and conflictations reparately and narricularly. It were need for low to repeat any of that enteral difficultions, which were from made to deferm a the difficult degrees of the determinant of the comparison with each cher, from the comparison with the Rubric claims on the observance of that the observance of that the definition of any other control of the c

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his folenm declarations and profeffions, as Visitation Charge Anno 1733.

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The Rubrics in the Offices of Baptism considered.

Reverend Bretbren,

Y last charge, if you remember, was VI a kind of general Introduction into an enquiry concerning the measures of the obedience, that is due from us, as we are Ministers of this Established Church, to those Ecclefiaftical Laws and Constitutions which prescribe the duties of our Function. It was proposed in prosecution of this design, as opportunities should offer, to examine into the force and obligation of those several laws and conflitutions separately and particularly. It were needless now to repeat any of those general distinctions, which were then made use of, to determine the different degrees of obligation, which those respective Laws, upon comparison with each other, seem to carry along with them. Let it only be here remembered, that the Rubric claims our first consideration, and that we are more indispensably bound to the observance of that, than of any other public injunction or national ordinance whatfoever relating to our office. The Rubric therefore shall be my first Topic. AND

AND indeed it is a subject which, in the view we are now to take of it, is but very flightly and indifferently touched upon by any of the Commentators on the Liturgy: Who though they have shewed great learning, and have taken laudable pains to recommend the public Offices both to Clergy and People, by flewing their antiquity, and pointing out their beauties; yet they do not folve, or hardly attempt to folve, those difficulties that an officiating Minister may have upon him, with respect to the ascertaining the true meaning and intention of the feveral Rubrical directions. Whereas this is the very point that I chuse to consider, as being the most necessary and useful; and to which I shall wholly confine myfelf, wir doubt to to

IT feems most natural to begin with the orders for administring the Sacraments; these being the ordinances of the highest rank; for the more punctual observance of which we are required to make a solemn promise at our taking the Order of Priesthood, that we will administer the Sacraments of Christ, not only as the Lord bath commanded, but as this Realm bath received the same—so that we may teach the people with all diligence to keep and observe the same. Which, considered with our Declarations and Subscriptions of Conformity, implies that we will keep close to those forms and rules that are prescribed

for the due and regular administration of Baptism, and the Supper of the Lord.

THE Rubrics relating to the feveral Offi-

confideration; was award want demodrated W

THE first Rubric before the office of public Baptism directs that the People are to be admonished that it is most convenient that Baptism should be administred only on Sundays and Holydays; (giving also the reason of this Conpenience) but with an allowance nevertheless. if necessity so require, that children may be baptized on any other day. The reason of the former part of this Rubric is plain enough; That this office which is defigned to be a public one, shall not be used on such days, or at fuch hours of the day, when there is no public fervice performed, or congregation attending; and when consequently the administration of Baptilin would only be private in effect, though executed within the walls of the Church and with the public form. But how the allowance is to be interpreted depends upon the meaning of the word Nerefley; which can hardly be conceived to take place here in any fuch strict sense as it is used in the Rubric before the office of private Baptism. For what Necessity can there be to prefer any other day for public Baptifm before a Sunday or Holyday, which would not equally warrant a private captism; that is to fay, supposing the expreffion

preffion if Necessity so require be tantamount to that other in the following office if need fall compel. If there were room to believe that both these Expressions related to the same Cafes, or urgent Causes, then the allowance to baptize on any other day must be understood only of private Baptisms. But as I fear it can hardly be to conftrued, especially as provision is made for fuch cases in the private Office, fo neither am I able to affign the instances of which it may be properly understood. Should it be alledged that no more might be intended by the expression, than to except some cases of great inconvenience, as it feems to be opposed to the words foregoing most convenient, this meaning might well enough be approved, if such construction might be allowed.

Under such uncertainty the point that I chiefly rest upon is this. That it doth not appear that we of the Clergy have any power lodged with us to judge and determine what are these cases of Necessity or Inconvenience which deserve a dispensation, or exception from the general rule. It is said that the people shall be admonished to bring their Children to be baptized only on Sundays or Holydays. Which I suppose with regard to us is no more than a general direction to discourage their neglect of this Rubric, as we have opportunity, and to put them in mind (as often as there shall be occasion to remind them) to bring their children when C 4

there is a Congregation to witness their Baptism. At least on such days, and at such bours; as there is public service usually performed. And if they comply with the Rubric thus far, as to bring their Children to Church on any day when there is stated service, taking upon themselves to answer for the necessity of the case, and withal give notice to the Curate of their intention either the night before, os in the morning before Prayers begin, as a following Rubric directs; I do not fee that the baptilm of their Children can be refused, or postponed, But then, on the other hand, how far a Curate, though he take not upon himself to judge of the necessity &c. may take upon himself to baptize on any day, or hour of the day, when there is no public ferwice, is another Question. This I think is clear, that he may justify himself in refusing to do fo, both by the Office, one part of which is the public Reception of the baptized infant into the congregation of Christ's Flock, and by the Rubric which enjoins that the baptism shall be administred immediately after the Jecond Lesson either of Morning or Evening Prayer; which of the two is left to the Curate's discretion, but his discretionary power goes no farther, You will observe that, for the same rea-

You will observe that, for the same reafon, Baptism ought never to be deferred till the stated service is over, where it can be performed in time of service; which provise I put

orante.

CHURCH of ENGLAND confidered. 25 in on account of those places, as Cathedral and Collegiate Churches for inftance, where the usual fituation of the Font is at so great a distance from the Choir, or place of Divine Service, as to render the compliance with this injunction impracticable.

FOR, wherever the Font is, there, and there only, can this Office be regularly performed; which we of the Clergy should take the more notice of, because it is the only point in these previous Rubrics, placed at the head of the Office, which is expressly charged upon the Minister: The Priest coming

to the Font and standing there shall say.

THERE is an obvious remark to be made upon this Restriction as to place; viz. That no Minister ought to use this public form in a private house, or indeed in any place except at the Font itself, to which the use of it is restrained. Nay, if the Rubric did not forbid him, the very Office itself would, in which he is directed to pray in these words, Grant that who seever is here dedicated to Thee, by our Office and Ministry, may be indued with heavenly Virtues, &c. Confider whether these words can be consistently, or indeed without absurdity be used in a Parlour or Bedchamber, or in any other place fave at the common Baptistery, or fountain of baptism (as the old Offices term it) appropriated to each Parish or Congregation. But, as I have formerly enlarged upon this irregularity form

irregularity of using the public form out of the Church, I shall therefore say no more

upon that head at prefent.

In the Office of public Baptism itself there is nothing of scruple, or difficulty, nor any thing liable to mistake fill we come to the Stipulations: But there is something that deserves our particular notice and attention; which is this.

WHEN two or more children are brought to the Font together, whether we may put the interrogatories once for all, or whether we ought to repeat them as often as there

are children to be baptized?

THERE is no Rubric at the head of these interrogatories to determine us expressly either way. Nor do the writers on the Liturgy supply the want of such Rubric by their Annotations on this passage. And therefore it may possibly be looked upon as a nicety not to be insisted on. But yet I apprehend, what is not expressly ordered, may be very clearly collected by comparing the Rubrics of this Office with those of the two Baptismal Offices that follow; and more especially with the old Rubrics relating to these Offices. By all which it will appear, that the interrogatories are to be as often repeated as there are infants to be baptized. The reasons are as follow.

First, it is an established rule that we are never to alter, or depart, from the prescribed form

CHURCH of ENGLAND considered. 27

form of words in our Liturgy, without allowance which allowance is always either expressly made in the margin by a Rubrical note, or fignified by printing the words which may be altered in a different manner or letter from the reft. Which method of diftinguishing words in Printing hath obtained in all our Prayer-Books fince the Restoration. Thus for instance, in many places of these Baptismal Offices, as in the prayers, and exhortations preparatory and fublequent to the Baptism itself, provision is made for adapting the forms to any number of persons, as well as to either fex ; and, whenever the difference of the character denotes the words to be changeable, we may use bim, ber, or them, this child, or thefe children, &cc. us occasion shall require. But then it is to be observed, that in the three most material passages of all, viz. the forms at the Stipulation, at the Affusion, and at the figning with the Crofs, no fuch distinction of charactors appears, nor is any allowance fignified to alter the words from the fingular to the plural number. Because these, being applicable only to one person at once, could not confidently be used to more than one at the same time. Every Child is to answer for itself by it's Sureties, as well as be baptized by itself, or received into the Congregation by itself. Therefore the interrogasories all running in the fingular number, without

without any mark of permission that they may at any time be expressed in the plural, are to be put to each child, or it's representatives, distinctly; in like manner as the form and action of baptizing, and the form of receiving with the fign of the Cross, are to be repeated over every infant feparately. And as this usage with respect to the two latter forms obtains univerfally, and admits of no doubt, when the office is performed for more children than one; so I do not see but we are equally bound, both from the reason of the thing, and from the express wording of the office, to follow the same rule with respect to the interrogatories, And that this was the very defign of the Compilers of the Liturgy in framing the Questions in the fingular number, we may collect from hence, which is my other obfervation in support of this practice, viz.

SECONDIY, that in the first Service-Book of King Edward VI, there is a Rubric, placed immediately before the interrogatories, which directs that the Priest shall then demand of the child which should be first baptized (the whole Office, running in the plural number, supposes more children than one brought to the Font) the Questions following: first naming the child (viz. addressing himself to the child) and saying. Dost thou for sake the Devil, &c. And, to put it out of all doubt that every other child to be baptized

CHURCH of ENGLAND considered. 29

distinctly interrogated, there is a further Rubric in these words, When there are many to be baptized this order of demanding, baptizing, putting on the Chrysom, and anointing, shall be used severally with each child. The Prayers and Exhortations, &c. might be used for all in common. But the more material forms were to be repeated distinctly, and

applied personally. South grilly not an add sol

I WILL not affirm indeed, as forme have done, that in our present Office the intertogatories, though addressed to the fureties, are in any proper fense put to the child, as they were in the old Service-Books. There are indeed some passages retained unaltered in our present Office, which may countenance this opinion; as these words in the Exhortation, This infant must faithfully for his part promise by you that are his Sureties; and this question among the interrogatories, Wilt thou be baptized in this Faith? Which may feem as if the demands were made to the person of the child . But whereas, in the last Revisal the application is made immediately to the Sponfors, with this alteration in the Form; Dost thou in the name of this child, &c. it appears that the Sponfors themselves are interrogated, and contract for the child by anfweeting in it's name, and declaring on it's behalf. But then it is to be observed with regard to our present question, that by their being changes

being addressed still in the singular number land not in the plural, as they are in all other parts of the Office) the questions are proposed to them as if each of them singly represented the person of the child, and each of them made answer for it; or as if they being three did altogether represent but one for all in commune! Hat the more more

Now, this being noted, you will plainly fee the reason why, though it is not improper to address three persons in the singular number, because these three represent one, yet it would be highly improper, if not abfurd, to address fix in the name of two, in the fame form, or to use the fingular number to nine, when they are not supposed to reprefent one but three. The Office therefore not directing, and, as far as appears, not allowing any alteration in the words of the interrogatories, does virtually forbid any fuch inconlistent application of them, as this a bevernentioned feems to be with his beauty and

The it be faid, that the Office may be pre-fumed after all to admit of fo flight an alteration in the interrogatories, as is frequently not only allowed, but pointed out in other parts of it, and that there can be no great harm in laying to the Sponfors, Do ye in the name of these children, 800. I answer that it is no flight matter to break through a form ever fince the Reformation. For whatever being changes

CHURCH of ENGLAND confidered. 31 changes have been made in the Service, yet in this particular there has been none. This stands invariably the same as well in those Liturgies that run throughout this Office in the plural number, as in that which we use at present. And it is pretty remarkable that in the Office for Adults, added at the last Revifal, though it runs throughout in the plural number, yet the interrogatories are in the fingular; and a Rubric is put at the head of them, requiring the Priest to demand of each of the perfons to be baptized the questions that follow. Which I apprehend to be a fufficient explanation of the defign of the Revisers that the same must be done in the two former baptifinal offices, though there happens to be no particular Rubric in either

of them to direct it.

I HAVE one thing more to take notice of in this Office of public Baptism (which I mention once for all, the direction being the fame in the other two offices that follow) wiz. That our Church doth not direct Sprinkling or Approfen, but diffusion or pouring of the structure upon the children to be baptized. It is true the quantity of water to be used in no whose prescribed, nor is it necessary that it should but, however the quantity be left to the Minister's difference, yet it must be understood to determine itself thus far; First, that the action be such as is properly a melang, to make the Administration correspond

correspond with the Institution; and this we should observe as Ministers of Christ at large. Secondly, that the action be fuch as is properly a pouring of Water, which is the Rubrical direction to express that washing at all times, when dipping is not practifed. And this we are bound to observe as Ministers of the Church of England in particular; taking it always for granted that there is a reason for whatever is prescribed in Rubric, and fuch a one as is not to be contradicted by our private practice, or rejected for the fake of any Modes or Customs brought in we know not how to not make the work

AND we should the rather keep to this rule of Afficient, because we have in a manner loft that more primitive way of baptizing by Immersion. Custom having certified in general, that it is the opinion and judgment of all who bring their children to the Font, that they are too weak to endure dipping. Oi, if we would have their fentiments certified more explicitly, there being a Rubric to that purpose, we are fure (as Dr Wall obferves) to find a certificate of the Children's sakness in their dress and to ask for further fatisfaction would be a mighty needless siry. I mention this observation of his as the best apology I know of for our prefent practice of baptizing by Affajion, with-out any formal declaration being made, according to Rubric, of the danger of dipping.

It is not faid we shall ask any questions: And when we are sure aforehand what would be the answer, if the question were asked; we seem under no obligation, as we are un-

der no direction, to put it at all.

By the Rubric that flands before the next Office, the Curate is required to admonish the people not to delay the baptism of their children, nor cause them without necessity to be baptized privately in their bouses. As it is not said whether these monitions shall be from the Desk, or the Pulpit, or given in private as need shall require, so we are at liberty, as I judge, to execute this direction in fuch a manner as we think will most effectually serve the end designed. The former admonition against deferring Baptism there is perhaps seldom occasion for: And the latter concerning private Baptism is always most reasonable when the thing itself is proposed to us without the Rubrical Warrant of a great and reasonable cause to justify it. It is the Curate's part on fuch occasions to declare and explain the rule by which he is to act. But, when he hath done this, I will not fay how far he is authorised to refuse private Baptism when feriously defired, though he be not altogether satisfied in the greatness and suffi-ciency of the Cause. For he cannot always be a proper judge of it. He must for the most part trust to the judgment and integrity of others. But as he can generally speaking distinguish

distinguish between reasons and pretences, between an accidental extraordinary cause and a case of mere humour or private interest, he will do well, and as he ought, never to facrifice the Rules of his Ministration, and the Orders of the Church, to any man's fan-

cies, or domestic conveniencies.

In the Office for receiving children privately baptized into the Congregation, the first doubt that offers itself to the Minister. is the manner of certifying a Baptism which he himself administred. When he certifies upon the answers to the Interrogatories that the baptism was duly administred by another lawful hand, the form of the Certificate, which is the same that stood in the old Prayer-Books, is clear and unexceptionable, in which there is a proper transition to the Gospel, or connection of the Certificate with the following part of the Office. But when he certifies his own act, by a form that was put in at the last Revisal for that purpose, it doth not appear either by the words themselves. or by the Rubrics relating to these Certificates, whether that form is compleat as it stands, or whether it was defigned only as a different preamble to be prefixed to that part of the other certificate which will connect it with the Gospel: or rather whether they are not both to be looked upon as one and the fame form of certifying, with this only difference, that their respective introductions are a little diversified.

CHURCH of ENGLAND considered. 35 diversified, mutatis mutandis, as the cases to be certified require.

In Bishop Cosins's Scheme of alterations and amendments, drawn up at the Restoration, the new form of certifying (then de-

figned to be added) stands thus:

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I certify you, that, according to the due and prescribed order of the Church, in cases of necessity, at such a time, and in such a place, before divers witnesses, I baptized this child, who being born in Original Sin, &c. ut infra, referring to the remainder of the old form as a proper transition to the Gospel; by which it is plain that his defign and meaning was, that, when a man certified his own act, the two forms should be thus joined or incorporated. But as neither fuch direction, nor fuch reference, is to be found in our present Books, it seems a matter of discretion which method we take. We cannot be faid to transgress rule by omitting that clause in the fecond form of certifying: Nor can we be charged with altering or adding to the Office, if we compleat the first form by the second as Bishop Cosins * judged we ought to do,

^{*} This Remark from Bishop Cosins (as likewise some others that follow) is taken out of a large Prayer-Book with marginal Annotations, and Alterations in his own hand-writing. By the several directions given therein to the Printer, it seems to have been designed as a corrected copy for the Printer to follow. It is in the Bishop of Durham's Library founded by the said Bishop Cosins.

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36 The RUBRICS and CANONS of the and as the natural construction of the Office intimates we should.

WE want some direction likewise in what manner we are to use this Office, when there is one or more children to be baptized, as well as one or more children to be received by it into the Congregation. The greatest part of each Office being word for word the fame may reasonably and consistently be applied to both cases, and be used in common; provided those parts of each Office which are particular and appropriate to the different cases be also used separately. And this I take to be the usual practice. Nor doth it seem liable to censure, though it is not authorised by any Rubric. And all the ends and uses of both Offices are as compleatly answered this way, as if they were to be performed distinctly.

But this indeed is faid upon a supposition that the questions to be put to the Sponsors, are, as was above observed they ought to be, put on behalf of each child. For the third question in the first Office cannot possibly be made an Interrogatory in the second. And I may here further remark, that we are to observe the same rule in certifying the private baptisms of those with whom the second Office is to be used. That is to say, when there are more than one to be received into the Congregation, we must certify the baptism of each of them distinctly, whether baptism

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baptized by ourselves or by others: as appears from the manner in which those certificates are printed, if compared with the rest of the Office.

IT is further to be noted, that when a child is brought to be received which was baptized by some other hand, we ought to be punctual in putting the Interrogatories relating to that private Baptism, and in requiring the parties that are interrogated, to

be clear and explicit, in their answers.

BISHOP Cofins's note at this place which he defigned for a Rubric was this, — To every one of these questions must answer be directly given by those who bring the child. And with good reason, because upon these answers depends our direction, either, first, to certify that in this case all is well done, and according to due order, &c. Or, secondly, to use the public Office of Baptism, with the hypothetical form; or, thirdly, to remit the child to those who brought it, without either hypothetical Baptism, or Reception into the Congregation.

In the first of these cases which is the common one that comes before us, there is no doubt of our rule to proceed by, but what I have already spoke to. But in the fecond case, where the hypothetical form is to be used, it is to be here observed that the action prescribed to be used with that form, is Dipping the Child in the Font, and not pouring

of water upon it, as is allowed to weak children in the public Office referred to. Should any one affirm this to be a mere omiffion, which ought to be supplied out of the Rubric in the former Office, I cannot readily agree with him. For it feems most agreeable to the defign of that Rubric, which gives a liberty of affusion in some cases when the common form is used, that such liberty should not be granted when the hypothetical form is occasionally made use of. Because, people being admonished to bring their children to baptism within the first or second Sunday after their birth, it may be supposed that fome children, fo foon after birth, may be too weak to endure dipping: And therefore provision is made in such cases by af-But when they bring their children to be received, as no time is limited for their doing fo, and no danger attends their delaying it, it may be supposed they would not bring them till they were of sufficient strength to endure dipping, in case any question should arife, (and which they themselves must needs be aware of in every doubtful case) concerning the Validity, in point of Effentials, of the baptism privately administred.

If this may be allowed as a fufficient reafon, why no certification of the childrens weakness is required, and no mention made of pouring water, or affusion, but only of dipping on this occasion; I shall consider what CHURCH of ENGLAND confidered. 39

what is a Minister's proper Conduct in fuch case after I have spoken to the third point above mentioned, concerning the remitting of children to those that brought them, without either the Hypothetical Baptism, or Reception into the Congregation.

I would examine this more particularly, because the reasons of it are not so obvious, and might not readily occur to a Minister's thoughts, (who hath not previously confidered it) if he were furprized with an occasion unexpectedly coming before him to

try his judgment of the matter.

THE point is this, Supposing by the answer made to the first Interrogatory, By whom was this child haptized? It should appear that it was baptized by a Lay-Hand; but, by the answers to the following questions, it should appear nevertheless that it was bapfized with water, and with the right form of words. What is the officiating Minister to do in this case? Proceed in the office of receiving the child he cannot, because he cannot certify that in this case all is well done, and according to due order concerning the baptism of the child. For, notwithstanding what Dr Heylin hath suggested of Lay-Men being accounted Lawful Ministers in cases of necessity, yet I think nothing is plainer from the foregoing Rubrics, and from these very questions, than that our Church utterly disal-loweth of Lay-Men baptizing upon any pretence

tence whatfoever; and maketh the commission and authority of the Administrator, though not effential, yet, requifite to the due and regular administration of the Sacrament. So that it would be a prefumptuous transgreffion of Rubric to receive fuch child as

being already lawfully baptized.

On the other hand he is not directed, neither is he authorized in fuch case, to administer Baptism hypothetically: because the use of that form is expressly restrained to such cases only where uncertain answers are given concerning the Matter and the Form, which are termed the Effentials, as you will fee in the Rubric at the end of this Office, referred to above, in which there is nothing faid of the Administrator, or his commission, as if this were a point not effential, not abso-lutely necessary. Nor in short doth it appear by any Rubric in this Office, or by all of them together, however compared, what it is a Minister must do when the result of his enquiry into the validity of any child's Baptism is such as I have now put it; that is, when he is fatisfied as to the form of the administration, but not as to the person of the Administrator.

I know there are forme who can fee no difficulty here at all, but will fay that in such a case the public Form of Baptism should be used without alteration, as upon a child manifeffly and confessedly unbaptized. But

CHURCH of ENGLAND confidered. 41 where shall we find our authority for this practice? Not in the primitive Church: And I am fure not in our own Church. For, though she discourages and prevents Lay-Baptisms as much as possible, yet she no where pronounces them null and invalid. She inhibits all persons not ordained from intermeddling with this office of God's Ministers upon any pretence whatsoever; but if they have actually presumed to administer the Ordinance in it's Essentials, that is, according to her the Matter, and the Words, she declines to order it's repetition, and forbears to declare it null. For this would be an arbitrary conclusion against the sense of antiquity, and the constant dispensation of the Catholic Church in fuch cases.

WHETHER any necessity will justify a Layman in usurping this office, is one question; but whether any guilt in the Administrator so offending shall invalidate the Ordinance so administred is another question. For the unworthiness of the means is not always a proper reason for the disparagement of the effects. There is sufficient ground for a distinction between presumption in the agent, and profanation in the act. With respect to the bold usurper of an office not belonging to him, the thing is wrong: and as such our Church condemns it. But, with regard to the innocent Recipient, it may be right notwithstanding, viz, valid, though irregular.

regular. Therefore our Church forbears to give public judgment upon it: Because, as I apprehend, she hath not sufficient warrant or ground to pronounce sentence against it. And therefore they who say that the administration of the matter and form can have no Grace, no benefit attending it, unless it be made by an authorized hand, would do well, whatever be their private opinion of the matter, to examine upon what grounds or authority they will proceed as Ministers of this Established Church, to rebaptize, or, if this word offends, to use the public form with any person who hath already received the two forementioned Essentials of the Sacrament, though in an irregular way.

To return then to the question. What must be done when the case above described shall happen? I answer, no doubt recourse should be had, as in all parallel cases, (where the particular Rubrics are not express and definitive) to that general direction which is given in the last clause of the Presace, concerning the service of the Church, at the beginning of our Liturgy; where it is said, that all points of doubt drising from the want, or from the obscurity of the Rubries, must be referred to the Bishop; and if he determine them not, to the Archbishop. And, as this is the only regular and safe method that a Clergyman can take, so I am inclined to believe it was the real design of our Revisiors that this particular

CHURCH of ENGLAND considered. 43 particular point of Lay-Baptism should not receive any public resolution in the office, much less be left to the private determination of the officiating Minister, but be subjected to the examination, judgment, and final decision of the Ordinary of the Diocese.

My reason for inclining to this opinion is founded on the following observations.

Our first Reformers permitted Lay-Baptilms in cases of extremity, retaining the Popish custom in this particular." But in 1575 the Archbishop of Conterbury, and his Bishops in Convocation, by virtue of the power given them to refolve doubts in the Preface concerning the fervice of the Church, (which I just now mentioned) and with express reference to that clause, restrained the administration of private Baptism to a Lawful Minister or Deacon; and the Bishops in their Villations censured the practice of Lay-men baptizing; though the Rubric fill frood with the former allowance, that they might baptize in cases of necessity. But then at the Hampton-Court Conference the Rubric itself was altered, and the words till the Revital after the Restoration, when it was worded with still greater restriction. But fill there was no declaration made of the nullity of Lay-Baptifin; nor any directions given in the Rubric what should be done as to children baptized by Lay-hands, when 44 The RUBRICS and CANONS of the

when brought to be received to otherwise than by a general reference (as I before faid) to the judgment of our Superiors in all cases that are doubtful or unprovided for. And in the Lambeth Conference, fo late as 1712, this point was still designedly kept in the fame fituation, and preferved entire to the determination of the Ordinary. For in that year, the dispute about the validity of Lay-Baptism running pretty high, the two Archbishops, with all the Bishops of their Provinces that were in town, came unanimously to this resolution, That Lay-Baptism should be discouraged as much as possible; But, if the Efsentials bad been preserved in a baptism by a Lay-hand, it was not to be repeated. But then, when it was proposed that a declaration of their fentiments to this purpose should be published in order to filence or determine the debates raised upon this question, it was refolved, * upon mature deliberation, to leave the question as much undecided by any public declaration, as it was left in the public Offices and Canons of the Church; for the better fecurity of discipline, and to prevent any advantages that might be taken by the Differences, or feem to be given them, in fayour of their baptisms though they do not properly come within the question of Lay-Baptisms in cases of extremity to villog od

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Ir therefore the Fathers of our Church have appeared from time to time afraid to determine with any politiveness, or by any public decision, this controverted point; it would ill become any private Clergyman to make himself so far a Judge as to act herein, without express allowance either from the Rubric, or from his Ordinary explaining it. As we have a fure rule to be our guide as to our own practice, we may very well leave the question concerning the validity of these Baptisms where we find it, in the bosom of our Church, resolvible at discretion, as the feveral Ordinaries shall give direction within their respective jurisdictions: It being our part to apply to them, and take their advice. whenever fuch irregular cases shall come before us as private Parochial Ministers.

And herein we likewise see how we may conduct ourselves with respect to the other point I was speaking of before, viz. whether we are to use the hypothetical form with affusion, or only with immersion, according to the strict letter of the Rubric. If we have any doubts about it, let our Ordinary determine them: And so long as we act according to his decision of the case, on which side soever it is made, we both answer our own obligation to Rubric, and discharge ourselves of blame from those who would be apt to censure an attempt of dipping from our

our own private judgment in the interpreta-

THERE is nothing more in all this Office that requires to be taken notice of, fave that at the end of it there is a want of a direction which we have in the former Office of public Baptism, to admonish the Sureties that they take care to bring the children to be con-

firmed by the Bishop. The still si

To fav how this comes to pass is not easy. In all the old Prayer-Books before the Restoration there was a Rubric in the first Office requiring the Minister to admonish the Sponfors to this effect; but leaving him to his own manner of expreffing himself. Which Rubric was not repeated at the end of this Office, but was referred to by these words, and so forth as in public Baptism. Which reference was as good as the repetition of the Rubric; for it made the direction equally clear. But now at the Revifal, what had been a Rubric at the end of the former Office was changed into a prescribed form of admonition: and what had been a reference at the end of this Office was quite omitted. By what means I know not. But it was not an overfight, at least not in all the Revisors. For in Bishop Cofins's copy, where all the defigned amendments stand added in the margin, there is a reference made at the end of this Office to the form of admonition then newly added to the former Office: Which reference CHURCH of ENGLAND confidered. 47 reference is thus expressed: Then shall be add and say, Purthermore I require you to take

care, &c. ut fup, in Publ. Bapt.

WHAT I collect from hence is, that it feems most likely to have been the design of the Revisors that this Direction should be given in the fame words at the end of both the Offices, the reason of it being the same in both cases. But, as this design is not expreffed in our printed copies, it remains yet a question with any man who guides himself by the letter of Rubric, whether he should on mere prefumption of fuch defign take upon him to add this supplement out of the former Office or no. Surely no Minister can be blamed for not doing what he is not commanded. But my own resolution of the doubt should rather be this. Though the admonition is not made part of the authorized form in our printed books, and is not necessary for compleating the Office; yet, as it is nevertheless a proper one, and the omission of it, or of a direction about it, was probably accidental and not defigned, therefore to use it, as an admonition from ourselves, or at least to give a direction to the fame effect and purpole, as was done before the form of admonition was prescribed And thus we shall keep up to the supposed intention of the Church, without transgressing any written rule. i smare and englad against preparation of Adults spand that he thente

48 The RUBRICS and CANONS of the

THERE is nothing in the Rubrics belonging to the third Office for those of riper years but what is plain, and can need no comment. Only as I have it in charge from My Lord Bishop of Durham to acquaint my Clergy with what he expects from them, when they give him notice of any adults that are defirous of being baptized, according to the first Rubric of the Office; I cannot discharge myself of his commands at a more proper opportunity. What moved his Lordthip to give me this direction is not necessary now to be mentioned: But the order is this: That, whenever any Minister notifies to him the defire and request of a grown Person to be baptized, he do at the same time specify not only his age, but his circumstances and condition of life; as whether he be married, or fingle; at his own disposal, or under parents and guardians; in what way he was educated and bred; what are his morals and character; and what knowledge he hath of the principles of Christianity; and whatever else may be requilite for forming a judgment whether any further directions are to be given for the due preparation of him to receive this Sacrament, and what those directions, if needful, should be.

INEED not add how proper it is that his Lordship should be acquainted with these things, before he grants his orders for the preparation of Adults; and that he should илиТ

CHURCH of ENGLAND confidered. 49 be fatisfied in the execution of his orders, before he gives his confent to their baptism.

AND I will as readily suppose that there is not one of you but will at any time be glad to be put to this trouble on fo good an occasion, and to serve so good an end.

hevered Broken and included the A M Wilderson Louis se the habitecty we pulsaronises of den chair violatil the leadeness of the beliefed the entrained out Hatter our obligations as Main Reis of the of serial Chirch to confirm and had to the many terms of the contract of the most . Thouse of the community borning where Charles begin a later a consideration and contherefore enter been them now webshir and appear now grotograft, stages boats to built authorized the designed of the second where is Tenador lit was one of the project of the had a companie to many salates a 61 alba un Less arthur autoposed of the S Arit, an T. of the Office, concerning the mains to be given reaches County of the relation of money intend to receive the Lord's Support, belong to the people of a larger and continued the wiches any predest delign (which hallwise and only to the daties of the Clergy. A therein

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Visitation Charge Anno 1734.

DISCOURSE III.

Rubrics in the Communion Office confidered, and some cases put upon them.

Reverend Brethren,

Y discourse to you the last year was wholly taken up in treating upon the Rubrics of the baptismal Offices; and in stating our obligations as Ministers of the established Church to conform ourselves to them.

THOSE of the Communion-Service were to come next under confideration. I shall therefore enter upon them now without any further introduction, supposing you to be already sufficiently apprized, from what I have before said, of the view in which I

purpose to consider them.

THE first Rubric that occurs at the head of the Office, concerning the notice to be given to the Curate of the names of such as intend to receive the Lord's-Supper, belongs to the people to observe; and does not fall within my present design, which hath regard only to the duties of the Clergy.

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THE next, which requires the Curate to repel from the Sacrament all open and notorious evil livers, who bave thereby given offence to the Congregation, has no other difficulty in it, than what ariseth from the doubtful fignification of the term notorious, and from the uncertainty there is in judging of all those cases, when the Congregation may be said to be offended. For Notoriety in fact is one thing; and Notoriety in presumption is another. And in either case it should be a Notoriety in Law too, to indemnify the Minister for proceeding upon the Rubric, or to render him safe, in point of Law, for repelling any person from the Communion.

And then as to the Congregation taking offence, how to diffinguish between what doth offend a Congregation, and what ought to give offence to it; whether we are to interpret it according to reason, or only according to fact, is another difficulty. Nay, whether this Rubric ought not to be extendto all crimes which are specified in the Canons as disqualifications for the Holy Communion, though they be not notorious or known to the Congregation, provided they be sufficiently discovered or made known to the Minister himself, is another question which will bear much to be said on either

fide of it.

THE truest way to judge of the sense of our Church in this Rubric, is to have recourse

course to the 26th and 109th Canons, by which such notorious offenders, as are to be Shut out from Communion, as being scandals to the Congregation, are fufficiently described; and, might we venture to act upon that interpretation which it must be allowed these Canons fix upon the Rubric, our rule to proceed by would be much plainer than it is. But to prevent our claiming any benefit or authority from these Canons; the Statute Laws, which supersede the Canons, interfere, and lay us under certain restrictions. By a Statute in the first year of Edward VI. it is enacted that the Minister shall not, without a lawful cause, deny the Sacrament to any person that devoutly and bumbly desires it. But what is this lawful cause? Why we are told that the Law of England will not suffer the Minister to judge any man a notorious offender, but him who is so convinced by some legal fentence *. And it feems, according to the fense of the Civilians and Canonists, nothing amounts to Notorium Juris, or Notoriety in Law, less than a proof by Confession in open Court, or Conviction by a Sentence of the Judge.

By the Canons, all those offenders who ought to be presented to the Ordinary, ought also to be thut out from the Communion till they be reformed; and they whose duty

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the tribed way to indee of the viewle of Bishop Andrews's notes upon the Common-Prayer.

CHURCH of ENGLAND confidered. 53 it is to present them, neglecting so to do, are to be excluded likewise *. And both these acts of Discipline are intrusted with, and charged upon, the Minister alone. But so far are the canonical disqualifications for the Sacrament from being accounted, as fuch, Lawful Causes of exclusion, according to the Statute, that even persons lying under ipso facto Excommunications by the Canons, may not legally be with-held from the Communion, till fentence of Excommunication hath formally passed, and is openly declared against them. And though the 27th Canon, intitled Schismatics not to be admitted to the Communion, is express for their exclusion; yet both the Common Lawyers and the Civilians have

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Mr L'Estrange seems to judge (Alliance of Div. Off. p. 163.) that the Canons do not forbid the admission of any offenders to the Communion, but only such as are actually presented to the Ordinary, and under prosecution, if not also under sentence; and consequently till they are presented they

are not to be with-held from the Sacrament.

But whereas the Canons fay no more than this, that notorious offenders shall not be admitted to the Communion till they be reformed, without any reference made, or respect had, to their presentment or conviction, there is no reason to interpret them with any such restrictions: Especially as one of the offences for which the 26th Canon requires exclusion from the Communion (viz. the neglect of Churchwardens and Sidemen in presenting notorious evil-livers) is not capable of being presented otherwise than by the Minister; who is left to his discretion as to that point; though he is expressly ordered to repel them from the Communion. He is indeed bound to figurify the cause of his repelling them, if required by his Ordinary to do so. But this is a surther proof of his power to repel, before any complaint or presentment of the delinquents is made.

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given it as their opinion, that Schifmatics not lying under any Ecclefiastical Censure, and humbly and devoutly defiring the Sacrament, are not to be with-held from it, notwithstand-

ing the direction of the Canon *.

AND, lastly, the Test-Acts, which bring abundance of persons to the Communion to qualify themselves for Offices civil and military, make no allowances for their exclusion in any case whatsoever, nor have any proviso to indemnify the Minister for proceeding according to Rubric in denying the Sacrament, let the Notoriety of the offence be never so uncontested, and the cause of his refusal in that respect never so just and legitimate.

THE case then stands thus with the officiating Minister. He is directed by one Statute, (viz. the Rubric) in certain cases to thut out from Communion. By another, (viz. the Test-Act) he is required to admit to Communion; no particular cases being ex-pressly excepted, however supposed to be understood. But the assigned cases in the one being put in fuch loofe and general terms, that it is doubtful what exclusions from the Sacrament are strictly legal; and the directions in the other for admitting to the Sacra-

This matter was thoroughly confidered in the case of Mr Richard Baxter, the famous Non-Conformist, if he may be called so, who constantly attended the Church Service and Sacrament in the parish where he lived, at those times when he was not engaged at his own Meeting-house.

ment fuch as have offices depending upon it, however supposed to be limited by the affigured cases aforesaid, yet admitting of those only upon the footing of a legal proof for which the Curate must answer at his peril; hence it follows, that he who is intrusted with the execution of these Statutes should either have a fuller explanation of the one,

or a better security from the other.

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I know the answer commonly given to this, and urged as fatisfactory by Mr Wheatley in his book upon the Common-Prayer, is, that it would be a reflection upon the Legislature to suppose that it was ever defigned, that if a Deift, or any profligate and abandoned finner, sould bappen to obtain an office, the Church should be obliged to admit them under these characters to Communion. All this is very true. It feems to have been the intention of the Legislature, that no person who is unqualified for the Sacrament, should qualify for an office by venturing to receive it. But this falve will not cover our fore. For granting it would be an injury to our Governors, to fay that they meant otherwise than right, yet there is no reflection cast upon them by supposing what is likely to be the confequence of these Statutes, when they come to be pleaded in the King's Courts against a Clergyman, without any provide made in his favour, or for his fecurity. Especially when the terms in the Rubric,

Rubric, upon which only he can form a legal defence, will bear fuch latitude of interpretation, that it will not be an easy matter to determine when he is within, or not

within, his rule.

THIS then being the case, (and I think I have brought together what is most material in the stating of it) two questions remain to be resolved. First, how far we are bound to observe this Rubric; and, secondly, how far we are fafe in acting according to it. To both which I shall give you the best an-

fwer I can.

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IT is not any part of my defign, in difcourfing on the obedience due from us to the Ecclefiaftical Laws of this Realm, to enter into a discussion of the powers we have received at our Ordination, as Ministers of Christ at large; or to confider, upon this head, the Power of the Keys, of binding and loofing, of remitting and retaining fins; that is, the spiritual authority we are intrusted with in the due administration of the Sacraments, which no human laws can destroy or deprive us of. There are cases in which we are bound to deny the Sacraments, antecedently to any obligations we are under to human Conftitutions; fo that, whenfoever we are obliged by virtue of our Office, and in regard of the facred trust committed to us, as Stewards of the Mysteries of God, to refuse the Communion, we must by no means be be swayed by any secular motives, or intimidated by suspicions of dangerous temporal consequences, from doing what we ought and discharging our great Commission faithfully. And, in this, every Clergyman must be his own Casuist, and will best judge for himself in such cases as shall come before him.

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Bu T whereas we have most solemnly promiled to give our faithful diligence to administer the Sacraments and Discipline of Christ, not only as the Lord bath commanded, but as this Realm bath received the same, according to the Commandments of God; and whereas the exercise of our Ministry, even in these capital points, may be, and is, in some refpects, limited by Ecclefiaftical and Civil Authority, without divesting us of the Spiritual powers above-mentioned; and whereas our present question is not whether any such limitations be lawful and admissible, (for of this there is no doubt) but how far fuch limitation goes in the case under consideration; therefore our obedience to this Rubric is to be examined into, as a point purely of Ecclefiastical Discipline, and which affects us not as Pastors of the Church Catholic, but as appointed Officers in this established Church to which we belong. And it is in this view I am to speak of this Rubric, confidering it as explained by the Canons of the Church, and limited by the Statutes of the Realm.

AND here what deserves the principal notice, and ought to have great weight with us, though probably it would have little if pleaded in the Courts of Law, is the peculiar obligation we have laid ourselves under, by voluntary and repeated stipulations, to observe the Rubric, and conform to the Liturgy of the Church of England. And this can in no instances be more justly expected from us, than in the administration of the Sacraments, and the Discipline of the Church. No Laws have as yet discharged us from following this Rubric now in queftion, in its most obvious and natural fense; nor can any authority be shewn for our difpensation in not observing it. If some words in it are too general, or of uncertain fignification, still there is nothing in the other Statutes that is more clear and explicit, or that will ferve for a better rule for us to govern ourselves by: And withal let it be observed, that what feems doubtful in the Rubric is made much plainer in the Canons, which are yet the best interpreters of it, and to which we of the Clergy are bound to conform ourselves, as well as to Rubric; though our obligation to them flands upon a different footing. Upon the whole, though this Rubric may require some explanation, as Bishop Cofins remarks, for the avoiding of dif-putes and doubts between the Communicants and Curates, &c. Yet if it be taken in all it's parts,

parts, viz. that no person, however notorioully wicked, shall be with-held from the Communion, till he be admonished to withdraw himself; and that, when he is repelled upon his obstinacy, it is only till such time as the advice of the Ordinary can be had therein, to whom the Curate is obliged to give early notice of such his act; it seems in this view the best, and I think the only Ecclesiastical Rule we have to go by in such cases: Nor doth it appear liable to exceptions, unless it be in that other particular I was to speak to, viz. How far we are safe in acting according to it.

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But, as this is properly a point of Law, it is not so fit for me to undertake any determination of it: It must be left to the Gentlemen of that profession. Only thus much I would put in, that if a Clergyman's conduct in this matter shall appear to be upright, dispassionate, and disinterested, (and I wish it may never appear otherwise) so as to gain the approbation of reasonable and indifferent persons, (which I still think it would gain in all notorious or slagrant cases, which are those mentioned in the Rubric) it is to be hoped and presumed, that the interpreters of the Law would, in their turn too, shew him all the savour and regard they could.

In the next Rubric, (for fo I call the next paragraph for distinction sake, as most of the Liturgic Writers do, though properly all

the four paragraphs at the head of this Office make but one Rubric) the Minister seems to have power given him, to deny the Sacrament upon his own personal knowledge of the party's unfitness to receive it. There is only one instance indeed of this unfitness there mentioned, viz. in cases where be perceiveth malice and batred to reign, in which cases be is to use the same order as before, of admonishing, and upon obstinacy of excluding from the Communion. And this too without regard to the notoriety of the malice, or the offence given thereby to the Congregation. And, by parity of reason, what he is allowed to do upon his own knowledge in one case, he may be presumed to have the liberty of doing in any other that is parallel, that is, where he himself is equally convinced that he has a just and sufficient cause, according to the Canons, to refuse the Sacrament, though at the same time he cannot produce any legal testimony of the crime for which he debars the party from communicating.

Hence then arises another question different from the former: viz. whether a Minister ought at any time, by denying the Sacrament, to pass a public and open censure upon secret crimes, to which none are privy but the parties and himself, and that perhaps by accident, as may be, and sometimes hath

been declared to be the case?

CHURCH of ENGLAND confidered. 61

To this it hath been faid, and I think justly, that every Minister in the public execution of his Office represents the Church, and is therefore to exclude none from the Sacraments, but fuch only as by the laws of the Church he is expressly required to exclude. That when he is fecretly, and in his private capacity, apprized of any just impediment in any person, though he ought most folemnly to admonish him to refrain, nay, and ought to with-hold from him a private Communion, (because in that case he is allowed himself to judge of any just impediment) yet, when he celebrates in public, he is bound to admit fuch offending person offering himself, at his own peril; forasmuch as the Church is yet ignorant of any crime or default for which according to her rules the Communion is to be with-held. That he doth by his previous admonition liberare animam fuam; and if the delinquent will still venture to obtrude himself, after such warning given, his blood will be upon his own head; that is, he only, like other hypocrites who receive unworthily, will be condemned for his prefumption; while the Minister shall be held guiltless, having done all that was incumbent upon him, and indeed all that he could warrant to prevent fuch profanation of the holy Mysteries. And this is agreeable to the old Canon Law, which did not give Minifters a discretionary power of repelling in fuch macrone.

Etiam criminofus, &c. Even a fuch cases. great offender offering bimfelf to partake of the Secrament is not to be rejected, but taken afide. and feriously exhorted to forbear: * Which the Canonifts, the later ones especially, interpret of fecret and occult crimes, known to the Minister, but not notorious, or matter of public scandal +.

To countenance this way of reasoning, the instance of Judas is brought, whom our Saviour suffered to partake of the first Supper and Communion with his other disciples. Though at the same time our Lord himself, who administered, knew the traitor to be absolutely unworthy so sacred and divine an

institution.

WHICH instance indeed would be much to the purpose, were it not liable to two exceptions. The first is, that it is not a certain and acknowledged truth I that Judas did partake of the Sacrament of the Lord's last Supper. And though the Compilers of our Liturgy feem to have taken this for granted, as appears by some expressions in one of the exhortations in the Communion Office, where it is said, left, after taking of that boly Sacrament, the Devil enter into you as he entered into Judas, &c. And confequently by our affent and confent to the

+ Linw. Prov. de Sacr. Unct. I SEE L'Estrange on one fide, and Dr Bennet on the other. Common-

^{*} Extr. de Off. Ord. cap. Si Sacerd.

CHURCH of ENGLAND considered. 63

Common-Prayer-Book we feem to have admitted this for an undoubted fact; yet the expression doth not necessarily require such construction to be put upon it, but may be grammatically understood without that sup-

polition.

THE other exception against this instance of Judas is, that, granting he did partake with the other Disciples at the institution of the Sacrament, yet it doth not follow by any necessary consequence, that our Lord's admission of him is any warrant for his Ministers to admit hypocrites to the Eucharist. He fuffers the wicked even now to approach his Altar, when no power in the Church can restrain them. But we cannot from thence argue, that the Pastors of his Church may therefore permit them fo to do, suppoling them privy to their guilt, and well afcertained of their unworthiness, however fecretly or accidentally they might come by that knowledge.

But, although for these reasons I think no stress should be laid on this instance of fudas, yet if any Clergyman can satisfy his own mind in acting upon this distinction, and can persuade himself that he may lawfully do, in his public capacity, what he would not do if he thought himself at liberty to follow his private judgment; and that to administer the Sacrament to a person whom he believes unworthy of it, after sufficient

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But it doth not follow that they are therefore bound in all cases to administer it saving those in which they are prohibited expressly. No doubt there is an use of their discretion less them, and some cases may arise so circumstantiated, that it will go directly against a Clergyman's conscience to administer the Sacrament; in which cases, as I before observed, he lies under an obligation to discharge his duty, superior to that which he owes to Rubric or acts of Parliament; and though he cannot perhaps discharge it with

CHURCH of ENGLAND confidered. 63 with fafety if the Statutes be interpreted rigorously; yet it is better to fall into the hands of men; and patiently suffer temporal inconveniencies, than fall with a Sin of Presumption into the hands of God.

The conclusion here then is the same as in the former point; viz. that every Minister must be his own judge and guide in extraordinary Occurrences which come not within the letter or supposed meaning of the rules that are set him by authority for his direction. Only it will greatly concern him to act with the utmost care, sidelity, and circumspection, that he do not either deprive any persons of the privilege of Christian Communion, or set upon them such a public mark of infamy and disgrace as a repulse from the Sacrament is commonly held to be, without a real necessity to justify his conduct herein.

AND so I pass on to the fourth and last Rubric that is placed at the head of the Communion-Service, where there is only one particular incumbent upon the Minister himself to observe, and for me to take notice of at present, and that is, that be shall stand at the north side of the Table when he performs the Office; which is to be understood even of that part of it which by another Rubric * is appointed to be said when there is no Communion.

thes I need affer no other realed nomunmod on

Pirst Rubric at the end of this Office.

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- And here again is a case that will admit of exceptions from unforefeen circumstances. For fince the cultomary placing of Alters in Chancels it becomes fometimes impossible in large Churches, and where the Chancels are almost equal in length to the Churches themselves, to perform that part of the Communion-Service which is to be read always on Sundays and Holydays, at the Lord's Table, without quite defeating the intention of it's being read at all, viz. that it flould be beard of all the people. But then, pray let us observe further that where this necessity for breaking through the Rubric cannot be pleaded by us; that is, where this fervice may be conveniently enough performed at the Table itself, situated in the Chancel; there will be no excuse for us for reading it in the desk; as is but too commonly practifed in that Churches; contrary to the letter and plain meaning of the Rubric.

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A CERTAIN author indeed, of fome note, in his Paraphrase on the Common-Prayer-Book argues upon this point after this manner. If it be asked, fays he, mbetber those parts of the Communion-Office which are allowed to be read wiben there is no Communion, may be read without going to the Communion-Tables I answer they certainly may. And for this I need offer no other reason besides it's being an allowed practice, which our governors do never blame or endeavour to alter. There are,

CHURCH of ENGLAND confidered. 67 fays he, some expressions in the Rubric, I confell; which intimate the contrary; but certainly on allowed custom is fufficient to fatisfy

any man's conscience in this case *.

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Bur this learned writer feems here a little too hasty in his conclusion; and the reafon he offers for it appears to be founded on a mistake. For a custom under the connivance of our governors, how justifiable a rule foever it may be to us in all cases where those governors have a power of dispensing, yet is of no authority or consideration in fuch matters as our governors themselves are not at liberty to allow of, or difpense with. This is a distinction very necessary to be observed by those who make ule of this argument from custom, and will show where it is properly applicable and of weight, and where it is not. In the former part of this very Rubric, for instance, concerning the fituation of the Lord's Table, the Rubric directs that it shall stand in the Body of the Church, or in the Chancel where Morning and Evening Prayer are appointed to be faid. But this appointment by another Rubric + before the Morning and Evening Prayer is left to the discretion of the Ordinary. And, till fuch appointment be made,

Dr Bennes's Paraphrase.

⁺ The Morning and Engine Prayer shall be used in the ac-customed place of the Church or Chancel, except it shall be otherwise determined by the Ordinary of the Place.

The RUBRICS and CANONS of the the ancient custom of each church is to be followed. For fuch cuftom implies the approbation of those who have a power to alter it if they think fit to do fo. Of cu-

stoms thus established, and justly prevailing for this reason, we have several other Instances. laboration so of lateration

But what relation have these cases to those Rubrics which expressly and positively require the Minister to observe this or that. particular in his Ministration, and prescribe him a personal action to be performed in a determined place, as in this instance before us of standing at the North fide of the Table, when he performs any part of the Communion-Service? Where this Rubric cannot be observed, as I before said, an absolute neceffity must over-rule the order; but no prescription of Non-observance or customary neglect can avail to the fetting it afide. It is true, the Ordinary may connive at this cuftomary neglect, but he cannot warrant nor even excuse the Minister in it, because he is bound, by prior Obligations of Conformity, to obey the Church in what the commands in her Rubrics. And in all points where the Rubrics are plain and express * the Ordinary ara ad vieromioeoù fioni lle

[•] It may be faid that this very Rubric now under examination is as plain and express that the Communion-Table shall stand at the Communion-time in that part of the Church subere Morning and Evening Prayer are appointed to be faid, as it is that the Priest shall stand at the North side of the Table.

CHURCH of ENGLAND confidered. 69 has no authority to release us from that obedience, as appears from the Preface concerning the Service of the Church at the beginning of the Prayer-Book. In which though the Ordinary is allowed to interpret and determine the sense of the Rubric for us in all doubtful cases; yet it is with this proviso, that he shall not order or determine any thing that is contrary to what is contained in the Service-Book. That is, in points that are clearly expressed the Ordinary is as much prohibited from making innovations, as the meanest Parochial Minister among us. And therefore a Bishop's dispensing power will not reach these cases; and consequently a custom which has no validity, but as it implies his difpensation, cannot reach them neither.

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True; but with this difference, that in one case the direction is to the Priest, in the other he is not charged with the execution of the Injunction; and therefore it concerns not him in particular, but rather appertains to the Ordinary to take care of. And whosoever considers the unhappy disputes and contentions that have arisen in this Church concerning the disposal or situation of the Lord's Table in the Church or Chancel, which lasted from the Reign of Edward VI. down to the great Rebellion, will think our governors highly prudent in sorbearing to give any orders of late years touching that point. The dispute is now dead; and it is to be hoped will never be revived.

Should it be infinuated that this Rubric, by expressly directing what should be done in Communion time, may mean that the Priest should then only stand at the North side of the Table; the answer is, that there he is ordered to fland when-soever he begins the Office; and there he is commanded to

say the Lord's-Prayer, with the Collect following, &c.

THE Author above cited indeed endeawours to back his argument from custom
with this former Observation. That, if usage
be not allowed to be a good interpretation of
Rubrics, it will be impossible to clear our bands
of many other repugnancies and difficulties to be
met with. Let the Objectors, says he, consider,
to name no other instances, how they can justify
their tacking together the Morning Prayer and
the Litany (subich were intended and used as
distinct Offices in former times) and thereby
repeating the Prayer of St Chrysostom and the
text out of the Corinthians but once, whereas
they are positively ordered to be repeated twice *.

Bur where they are thus ordered to be repeated is the Question. There are only two Rubrics from which such a direction could be furmized. The first is the Rubric before the Collects and immediately after the Suffrages; where it is faid that the two last taft Collects feall never alter, but daily be faid at Morning Prayer throughout all the Year. But whofoever examines this Rubric, will find that these Collects which are here called the two last, are not the two final prayers, but are only called the last with respect to the Collect of the day, which is always to precede them. The other Rubric is placed just before the Prayer for the King in the Morning Service in these words; Then these five car in this drawfrom no bank the said thought on proyers

that I while on from the whole another and their when add

⁹ Dr Bennet's Paraphrafe,

prayers following are to be read here, except when the Litany is read; and then only the two haft are to be read, as they are there placed. Which words in the end of the Rubric make it evident that the Litany and Morning Prayer are to be joined together as one Service, and that the two final prayers are to be read out once.

If his mistake arose from not attending sufficiently to these two Rubrics, it is already corrected. But, if he grounds his affertion on any other passage, I cannot guess

what place it may be.

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AND as to his other supposed instances of repugnancy, &c. I dare be as positive as one can be in a negative, that there are no inflances to be given in the whole Common-Prayer-Book, where cuftom must be allowed to be a good interpretation of Rubric, except in those cases which I just now mentioned, where the Ordinary hath a difpenfing power lodged with him. And if there be any other repugnancies to Rubric in our practice, besides this under debate, which will not admit of a plea from Custom upon the foot of this distinction, we must find fome other way of clearing our hands of them, than by using this argument. And the only way, that I know of, to justify our conduct in all points that are plain and express, is to observe them punctually and literally,

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AND

72 . The Rubrics and Canons of the

AND now having gone my usual length in a charge, and dispatched the previous Rubrics in this Office for the Communion, I must leave what remains to the next opportunity that God shall be pleased to give us of receting together on this occasion.

and that the two final lungers are to be the his mittake arole from not attending Hickordy to thefe two Rubiles, it is stream w. corrected. But, if he grounds his aftertion do any other padage. I cannot guels . An plas to his other happoiled inflances of repugnancy, Co. I dare be as politive as one can be in a negative, that there are no inflances to be given in the whole Common-Payer-Book, where culton mult be allowed to be a good interpretation of Kilbrick except in those cales which I just now menlower lodged with him. And it there be ony other repugnancies to Rubeic la our practice, belides this under depate, which will not admit of a plan from Cuffern upon the took of this distinction, we must had ome other way of clearing our hands of tem, than by onne this argument, And the only way, that I know of, to justify our conduct in all points that are plain and ex--stilly is to observe them punctually and

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Visitation Charge Anno 1735.

DISCOURSE IV.

But my whole view terminates in the order of the order. Authorities in the Liturgy examined of the order of t

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Y Discourses to you, at my late Visi-Y Discouries to you, at a partial taken up taken with remarks upon the Rubrics: In which I have yet gone no farther than those that belong to the Offices of Baptism, and those that are placed at the head of the Office for Communion. And finding how tedions and almost endless it would be to go through all the remainder of the Communion-Office. and all the other Offices of our Church with the like particularity, I shall now take another and shorter way, yet such as perhaps you will think fufficiently clear and fatisfactory; and that is to throw all the Rubrics into different classes under proper heads of distinction, with suitable remarks upon each class; and so to leave the folution of particular difficulties to be taken from the reafonings upon the feveral general distinctions.

IT is no part of my defign, as I think I told you before, to give any historical account

74 The RUBRICS and CANONS of the count of Rubrics, or enter into the reasons of them, or shew their alliance with those of other Liturgles, or their Conformity with the Rules of the Primitive Church. This hath been done by the learned Ritualists and Commentators on the Common-Prayer-Book. But my whole view terminates in this one point, viz. To thew how far we are bound in Duty and Conscience (after the Declararations and Subscriptions we have made) to conform ourselves to the letter or intention of the feveral Rubrics, which are given for our direction in the Administration of the Sacraments, and Tother Services of the Church; which is a point that hath been either entirely passed over, or at least but

the Writers on the English Liturgy.

No withe Rubrics which relate to our Ministration may be properly ranged under five general heads. And we shall find the measures of our Conformity to them will fall under as many different Confiderations.

flightly and occasionally touched upon by

THE first division of them contains such as are defective or not sufficiently clear and express.

be understood with limitations, or at least will fairly admit of them.

power with the officiating Minister.

COUISE

THE

CHURCH of ENGLAND confidered. 75

THE fourth such as leave a discretionary

power only with the Ordinary.

THE fifth and last such as are plain and positive, neither admitting limitations, nor submitting to the discretion either of the officiating Minister or his Ordinary. Of which last fort are much the greatest Number.

BOTH the meaning and propriety of this distinction will best appear by giving instances of several Rubrics which do either require, or will bear, these respective Con-

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THE first Class of distinction comprises all those Rubrics which are desective in point of direction; not sufficiently explicit or plain, but so worded as to leave doubts, and to seem inconsistent with, or contradictory to, more express Rubrics; so that the mind or intention of our governors therein is not

Rubric. In either cale berredily difference

You know, for instance, to what uncertainties we are lest in the use of the Table for proper Lessons, and in the appointment of Epistles and Gospels when Sundays and Holydays coincide. The consequence is, that the Clergy differ in their practice, and use the Service appropriate to that Festival to which in their private opinion they give the preference. Some there are who chuse to intermix them, using the Collects appointed to each, and preferring the first Lesson that is taken out of a Canonical Book, if the other

76. The RUBRICS and CANONE of the other first Lesson happens to be appointed in the Apocryphaniba O od daiw vino iswoo

AGAIN, it is uncertain, as the directions now stand, whether the Collect for a Holvday that hath a Vigil (supposing the Lord's day to intervene between the Vigil and the Festival) shall be read on the Eve on which the Vigil is ordered to be observed, or in the Evening immediately before the Festival according to another Rubric. They whose rule it is to act closely up to the Letter of Rubric, must separate the Collect from the Vigil. But they who plead the supposed intention and reason of both the Rubrics. think they may dispense with the letter of that Rubric which orders the Collect to be read on the Evening before the Holyday, and use the Collect on the Vigil in compliance with the supposed design of the other Rubric. In either case conformity to Rubric is aimed at, though diversity of practice neceffarily prevents Uniformity, 19 500 apilling

THE Rubrics are deficient likewise in their direction, whether, before the general Intercession or the general Thanksgiving in the Daily Service, the names of those persons who defire the Prayers of the Congregation, or defire to return thanks, shall be publicly recited or no. Some suppose, both from the reafon of the thing, and from the wording of the interpolations to be used on those occafions, that it is implied, the names of the other

persons,

CHURCH of ENGLAND considered. 77 persons, on whose account the additions are to be inserted in the Prayers, should be particularly recited, and notified to the Congregation. But others who suppose this will fall under the notion of Publications in time of Divine Service, which by another Rubric is limited to the injunctions of the Ordinary, will for that reason be of another opinion.

IT is said of the Venite Exultemus, the Hymns for Easter-day, Gloria in Excelsis, the whole Psalter, and Gloria Patri; that they shall be said or sung. But it is not said whether this shall be done by the Priest or the People; or if by both, whether jointly, or alternatim. Custom therefore is our only authority for those various ways, in which we perform these parts of the Office in

Choirs and Parish Churches.

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ANOTHER doubt there is concerning the proper time for giving publick warning of the Communion. One Rubric says this notice shall be given immediately after the Nicene Creed. Another says, that, when this warning is given, one of the Exhortations shall be read, to remind the people of their duty of communicating. But this is ordered to be done immediately after Sermon. Mr Wheatley indeed proves this to have been only a missade in misplacing the directions: Nevertheless he proposes that both Rubrics should be complied with; that is, that the Warning should

should be given immediately after the Nicene Creed, and the Exhoration read immediately after Sermon. Whereby he shews how both Rubrics may be observed. But nevertheless this is only a conformity to a missake; and for that reason I suppose not much attended to, or regarded by the Clergy.

OTHER instances we have of desicient Rubrics relating to our own posture or action in divine service. It is not said whether the Minister shall kneel or stand at the prayers previous to the administration of baptism in the two first Offices. In that for Adults indeed the Rubric is rather more clear for his standing, it being said before the two first prayers in the Office, And bere all the Congregation shall kneel: Whereby the Minister seems to be excepted. But nothing certain can be gathered as to the two former Offices, which occasion the Clergy to practife differently in this circumstance.

Like wisk in the Communion-Office the Minister is ordered first of all to receive the Communion in both kinds himself, before he administers it to the people. But how, or in what form of words, he shall take it himself is not said; which is apt to produce some variety of expression on such occasions. Bishop Cosmi indeed had drawn up a form which all the Clergy were to follow when they received the Communion themselves:

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CHURCH of ENGLAND confidered. 79 felves; but it was not put in at the last Revisal.

To these instances more might be added from the Rubrics at the head of the offices of public and private Baptism: Upon all which I observe in general, that where the Rubrics are defective, or capable of two fenses, or of doubtful interpretation, there is no flating a Minister's obligation to observe them: Nor is uniformity in practice to be expected; because every Minister must be allowed a liberty of judgment, and confequently of practice, in cases not sufficiently clear, or capable of various constructions, so as he make no breach upon those Rubrics that are plain and express. In feveral of those points that I have mentioned above, the Clergy take different ways; and they may fafely and honeftly do fo, for there is no room to fay that any of them do wrong, fince there is not evidence enough which of those ways are right. Something may be perhaps pleaded for them all. But then, whatfoever is pleaded, as it is only upon the foot of private fentiments, we remain still at liberty to follow our own judgment and diferetion in those points, till they who have authority, do fettle a rule for us concerning them. And if, in the mean time, any of us have real foruples upon these points, our proper recourse is to the Ordinary of the Diocese for satisfaction; because his determination

80 The Rubkics and Canons of the nation in all doubtful cases * is authoritative. fafe, and legal; and is granted us as a supply for all the deficiencies we meet with in the letter of the Rubric.

I PROCEED then to the fecond Class into which Rubrics were distinguished. And that is of fuch as either require to be underflood with limitations, or will at least fairly admit of themspilds a solimity a squalt on /

Or the first fort (among those which relate to ourselves) we have an instance in the order for Morning and Evening Prayer, where it is faid, that fuch Ornaments of the Church, and of the Ministers thereof at all times of their Ministration, shall be retained and be in use, as were in this Church of England by the authority of Parliament in the second year of the Reign of King Edward VI.

THERE was one fentence at the end of this Rubric left out at the Reftoration, which would have explained it more fully. The words were these, According to the Act of Parliament fet in the beginning of the Book.

AND these words will lead us to the proper limitations of this Rubric. For, if we look into the first Act of Uniformity by Queen Elizabeth, we shall find the words of this Rubric taken verbatim from that Act, and to be only a part of a clause whereby the Queen expressly reserved to herself a vide the women O office a shatown power

Last clause in the preface concerning the service of the Church.

CHURCH of ENGLAND considered. 81 power of ordering both the ornaments of the Church and of the Ministers thereof otherwise hereaster; which power she did afterwards actually make use of, though not perhaps just in the method prescribed in that Act, yet so effectually, that our habits at the times of our Ministration stand regulated by her

injunctions to this day.

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Now putting these things together, that the Rubric hath an immediate reference to the Act; and that the Act is made with an express reservation to the Queen's suture appointments; and that the Queen, pursuant to this power given her, did, in the year 1564, publish her Advertisements (as they are called) concerning the habit of Ministers to be worn by them in time of Divine Service; it will appear that her injunctions thus set forth are authentic limitations of this Rubric.

In is true some disputes have been made concerning this power given her, whether it was only during her life, (as her powers in some other statutes of the same year are expressly limited) or derivable upon her successors, and annexed to the Crown. But this makes little difference in our present question. Her injunctions have the same tion of that Parliament which granted her the said power, and the sanction too of the Act of Uniformity after the Restoration, which by this Rubric now under consideration refers, according to the explanation now given

82 The RUBRICS and CANONS of the

given of it, to her injunctions. But if, by the Act of Uniformity in the first year of her reign, there is a refervation of the said power to the Crown, and it is derivable upon her Successors, then it will follow further, that, although such injunctions had not been set forth by her, yet we should have been secured in the present allowed usages concerning Habits and Ornaments; because it is a rule, that, wherever a discretionary power is left with our governors, a constant practice permitted, and for that reason supposed to be approved by them, is equivalent, by interpretation, to their commands of which more hereafter.

Another Rubric requiring to be understood with a limitation, is the first Rubric in the Form of Matrimony, by which the Minister is enjoined not to relebrate the Mitrimony unless the Banes have been three Several times published on Sundays or Holydays. But yet by other Laws in force the Minister is permitted to marry without publishing the Banns, on having any certificate of their being thrice asked; wherefore Bishop Coins thought it would be requifite to add this exception to the Rubnic, wiz. Unless there be a diffensation or license granted by the Bishop in some special or urgent cause. But, till fuch exception shall be added, the Rubric must be understood to be limited by this proviso. the a refere, according to the explanation naive

given

AND

CHURCH of ENGLAND confidered. 83

AND, as these Rubrics require to be understood with certain limitations or exceptions, so there are others that will at least fairly admit of them. As for instance.

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THERE is a Rubric which fays that the Curate of every Parish shall diligently upon Sundays and Holydays, after the second Lesson at Evening Prayer, openly catechize the children. But, as some of the strictest men in Rubrical matters have justly observed *, no obligation can be urged from hence that Minifters should catechize on all Sundays and Holydays, but that if they do it as often as occasions of their Parishes require, and do it on fuch days and at fuch times as are here specified, and shew their diligence herein, so far as their diligence is necessary in this respect to the faithful discharge of their duty in the place where they officiate; that then they fulfil both the intention and the letter of the Rubric. And the like reasoning will hold in all the like cases. Some Rubrics will bear to be taken in a limited fense. where the limitation is made by the reason of the thing, and is neither a forced construction, nor resolvible into meer custom or convenience.

THE third Class of Rubrics, in our present division, consists of such as leave a discretionary power with the Minister. As in the G 2 choice

Additional notes on the Catechifm, printed at the end of Dr Nichols's Commentary.

84 The RUBRICS and CANONS of the of Hymns in the Daily Service; and of the occasional Prayers and Thanksgivings to be faid after the stated ones; in supplying the Sundays after Trinity, when their number exceed the provision there made for them, out of the supernumerary Collects, Epistles, and Gospels after the Epiphany: In the choice of fentences before Morning and Evening Prayer, and at the Offertory; and of Exhortations and Collects in the Communion-Office: In the ulage or omission of a Prayer in the Office of Matrimony, and of a Pfalm in the Burial-Office; In the appointment of the time for christening, and other the like Rubrics, especially in the Office for wifiting the Sick where a great deal is left wholly to his diferetion *

or Now

[•] Some of the Rubrics indeed in this Office of Vifitation might be as well ranged in the last Class as in this, for they are to be understood with limitation, as well as executed by discretion. Such for instance, as the direction given to the Minister, to adminish fick perfors to make their Wills, and to make their walls, and to make them earnessly, if they are of ability, to be liberal to the

These two Rubrics, though distinct, have a close connexion with each other, and also a reference to the 84th Canon of 1603, which ought to be consulted for the better understanding of them. It is intitled a Chest for Alms in every Church. And therein the Parson, Vicar, or Curate, is required diligently from time to time, and specially whom men make their Testaments, to call upon, exhert, and move their neighbours to to confer and give, as they may well spare, to the said Chest; declaring unto them, that, whereas heretofore they have been sliggent to bestew much substance otherwise than God commanded upon

CHURCH of ENGLAND confidered. 85 Now what we have to do in all these cases is only to be considerate in the use of this

upon superstitious uses, now they ought, at this time, to be much

more ready to give to the poor, &c.

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And, in order to understand what is meant in this Canon by the gifts to superstitious uses, we must look yet further back to K. Edward VIth's injunctions of 1547, from whence we shall find this whole clause taken verbatim, save only that, instead of superstitions uses, we there read Pardons, Pil-grimages, Trentalles, Decking of Images, Offering of Candles, giving to Friers, and other like blind devotions.

Now the ground of this injunction, especially as it relates to Testaments, was this: viz. Formerly, by the Canon Law, every one was bound to bequeath a part of his effate to religious uses, and in some such proportion too, as he lest to his children; so that, if he had three children for instance, Christ was to be reputed a sourth, or be made an equal sharer with the other three in the inheritance; if he had but one fon, Christ was to be effected as a second son; and fo on. (Decret. Par 2. Cauf. 13. Qu. 2.) And what was so bequeathed to the Church was usually deposited in the Bishop's hands, and went partly to the support of the fabric of the church, and partly to the maintenance of the Minister thereof. It is not to be doubted that the Pop Curates made the best advantages of this Law, and would not be remiss in admonishing and exhorting fick persons, especially when they made their Wills, to this purpose. And and it one of the Articles of Enquiry in King Edward's Visitation by Cranmer 1547, Whether They (the Curates) bave moved their parishioners, lying on their Death-Beds, or at any other time, to bestow any part of their substance upon Trentals, Masses satisfactory, or any such blind Devotions, Sparrow's Coll. p. 29.

But when all these gifts and bequests were totally set aside, and were to be no longer allowed of, The Poor Man's box, or Cheft for Alms, was enjoined to be fet up, for the reco tion of what people were wont to bellow to the superflit uses abovementioned; and the Curates were required to make their Exhortations to sick people in favour of this new Institution. Thus we find, among the Articles of Enquire just now quoted, these further Items, Whether they have pro-

Friedrich der Gertautsch

86 The RUBRICS and CANONS of the this liberty, and not to transgress the bounds within which our discretion is restrained;

wided, and have a firong Cheft for the poor mens box, and fet and fastened the same near to their High Altar. Item, Whether they have diligently called upon, exhorted, and moved their parishioners, and specially when they make their Testaments, to give to the said poor mens box, and to bestow that upon the poor Chest which they were went to bestow upon Pardons, &c. ibid,

From these observations, I apprehend it will be easy to collect the true intention of the Rubrics in King Edward VIth's first Service-Book in the Visitation-Office. Viz. The Minister may not forget nor omit to move the fick person (and that most earness), to liberality towards the poor. And this is annexed to, or is part of, the Clause, or Rubric which appoints the making of Wills, and is not separated, or made a diffinct Rubric, as it is in our present Prayer-Books. That this old Rubric refers to the Injunctions published the year before, concerning the poor man's box, cannot I think reasonably be questioned. And that our present Rubric, which is the same with a small variation, should be interpreted in like manner, with a reference to the 84th Canon, is justly, as I conceive,

But now, fince the publication of these directions both in Rubrics and Canons, the things they treat of, are by time, and in some circumstances, altered from what they then were, There is a better provision now made by Law for the disposition of Intestates Estates: There is not that necessity there formerly was to admonish the people on this There are also provisions made by Law for the better maintenance of the poor, which may render the use of the poor man's box of less importance than it formerly was; much that those public chests for Alms are now rarely to be met with: Or, if they remain standing yet in some es, they remain rather as monuments of a former infiltration for the maintenance of the poor, than stand as infirmments of their present supply. These things, being considered, will make an alteration likewise in the stress to be laid both on the Canon and the Rubric, which latter is likewife foftened and relaxed in the expression: And is not, as now worded, so properly a command which may not be dispensed with, as it is a monition to the Clergy who attend

CHURCH of ENGLAND confidered. 87 nor give any occasion to a remark that was often in the mouth of a great Churchman and Ritualist, viz. that what was left to the Discretion of a Minister was also left to his Indiscretion.

AND whereas there are liberties too often taken by some under the notion of a discretionary power, which are not so justifiable; as the adding to the public Service more than is commanded, in multiplying Collects (for instance) in the coincidence of Festivals; or joining at any time more Collects. as Collects for the day, to that which is properly fo; (and which is but one, except it be in Advent and Lent, or at other times when special direction is given for more Collects than one) and in using prayers out of the Office for visiting the sick, for the sake of fuch as defire to be prayed for; or adding in any other respect to the prescribed service without an order or licence to do for land the fame may be faid vice versa of omittions. or passing over any parts of the public Offices) I fay, whereas too great licence hath been taken in these respects, we would do well to remember, that whatever liberties the

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the fick, especially when they make their Wills, to remind them of the poor, and of the acceptableness of alms-deeds in the fight of God; but this to be done nevertheless by Ministers at their own discretion, as well as in their own manner; with due consideration of the circumstances and abilities, as well as of the present temper and disposition of the person to be so exhorted. the Rubries do not formally allow us, they do virtually forbid us: At least we are not to venture upon them on our own judgments, or without the concurrence of our Ordinary, to whose discretion a greater latitude is given in all cases where the Rubrics themselves seem not to be a sufficient Di-

rectory.

AND this brings me to the fourth division of Rubrics, viz. Such as are within the cognizance, interpretation, or judgment of the Ordinary of the Diocese: As, for instance, the appointment of that part of the Church where Morning and Evening Service shall be faid; of the place and of the time * in which women are to be churched: The ordering what shall be published in time of Divine Service; and determining upon what extraordinary occasions the Litany, or the ination, shall be used; and the appointthe place where young people are to ught to be confirmed; and the like;

thop Sparrow fays, the Churching of Women was used to be done between the first and second Service, as he had learnt by some Bishops enquiries at their Visitations, supposing that it was the least interruption then to either of those Offices. Sp. by Downes, p. 232. It is commonly performed on the Week days, just before the general Thanksgiving: On Sundays, just after the Nicense Creed. Some have thought it a distinct Office, and that it ought to be performed before the public Service begins: But under this uncertainty the time must be determined by the same rules with the place: viz. as bath been accossored, or as the Ordinary shall direct. ball direct.

CHURCH of ENGLAND confidered. 80 most of which are expressly left to his determination, and others are referred to him by that general clause at the end of the Preface concerning the Service of the Church; but with this restriction, that be shall order nothing that is contrary to any thing that is contained in the book of Common-Prayer. So long therefore as he acts within these limits, his refolution of doubts, and his decisions concerning the manner how to understand and execute the Rubrics, will be our proper warrant: and, where he doth not interpole his directions, it is a good rule for us, to observe the usual customs of the Diocese we live in. or the particular churches in which we ferve. Because in these cases all customary practices, which are supposed to be known and allowed of by the Ordinary, may be interpreted as his direction: and our following this rule is countenanced by fome of the Rubrics themselves: as in these words, In the accustomed place, except it shall be otherwise determined by the Ordinary .- As bath been accustomed, or as the Ordinary shall direct, &c.

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And it is upon this footing, and no other that I know of, that we can justify ourselves in making publication of many things in the Church, for which there is no direction in the Rubric; as in calling of Vestries, declaring Parish-Officers, giving notice for the collecting Assessments, and the publishing both the names of, and the occasions for

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which persons desire the prayers of the congregation, or to return thanks; and other things that are indeed of an ecclesiastical nature, but yet for which we have no direct warrant either from Rubric or our Ordinary. But these sorts of publications being customary, and what our Ordinary must be supposed to be apprized of as such, are presumed to have his consent; and so to fall within his discretionary power; his approbation of such customs being implied in his

connivance at them.

THAT maxim therefore of custom having the force of a Law, and practice uncontrouled by our governors being equivalent, to a rubrical direction, however it hath been milapplied in some parts of our Church-Service, yet it takes place properly enough in all the Rubries of this class. For what our fuperiors do knowingly allow and permit to run into common ulage, when at the fame time they have power, and it is their duty to correct if wrong, may very fairly be looked upon as the most agreeable to their fentiments, and confequently legally right in all these cases where the law bath made them the fole Arbitrators and Judges of what is fo. Only we must be careful not to extend this rule beyond those bounds within which their diferetion is circumscribed; for, where they have no power to dispense with our practices, in vain shall we look

Church of ENGLAND confidered, 91 look for a salvo, or any relief from their

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AND this brings us to the fifth and last Class of Rubrics in the division, viz. Such as are plain and express, and neither admit of doubt or limitation, nor are subjected any way either to the discretion of the Minister or the Ordinary; but are of indispensable obligation and require to be observed, as they are to be understood, that is, according to the letter.

AND of this fort, as I told you, are much the greatest number in our Common-Praver-Book; and I hope of those which are our orders and directions, most, if not all, are every-where duly observed by us. That which of all others feems to be the least regarded, as far as my observation has reached. is a Rubric in the Communion-Office: which I think myself bound here to take notice of. It is the Rubric that stands immediately before the prayer for the Church Militant, which says, that, when there is a Communion, the Priest shall then, viz. before he offers up that Prayer, place upon the Table so much bread and wine as he shall think *luthicient*

This was put in at the last review; and an expression added in the prayer following which is adapted to that particular action *: for

then

^{*} Though our Church, as Dr Nichols truly fays, bas not ordered any particular Prayer for this action of the Priefi, he ought

then and not before came in the word Oblations, having immediate reference to that new order about the placing the bread and wine upon the Table. Which word, though commanded to be used by another Rubric in the margin, yet cannot be used in the plainly intended fense of it, unless the former Rubric about placing the bread and wine be complied with.

WHETHER the bringing in this Rite, and adding the word Oblations to the Prayer to fuit with it, was proper in itself, and done upon fufficient reason, is not any part of my defign to confider now: though I believe, that whofoever will be at the pains to look over the annotations of learned men upon the Communion-Office, will find formething concerning both the expediency and the antiquity of this Rite worthy his attending to.

But I here only confider the order itself as a politive injunction * capable of being complied

hight not to negled the action it felf: Which reason holds much dronger when we consider that there is an expression to be used in the prayer following the action, that presupposes the action to be done by the Minister, which expression is rendered insignificant if he omit the action.

The Rubric, being plain and express, stands in full force, though what I have been saying of the relation of the word Oblations to it, should not be allowed me. The truth is, although I take this to be the most reasonable and most proper seuse to be put upon the word Oblations in this Prayer, yet I cannot fay it is the only fense in which it may be conesterely taken in this place. Oblations is a word, that may

CHURCH of ENGLAND considered. 93 complied with, ordinarily speaking, by any person who has the honour to stand ministring at the Lord's-Table.

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be variously applied, and hath been so in this very passage: The Question is, whether any application of it can be fixed upon as certainly right, and as intended by the Compilers of the Rubric? They who would interpret it of the Alms, will find it difficult to get clear of the distinction that is made here between Alms and Oblations, by the disjunctive or : And they who would interpret it of Offerings made to the Clergy, agreeably to the old Rubrics in all the former fervice-books, will find it hard to account how it happened that this word Oblasions was not brought into the bo the Prayer, till all these Offerings to the Clergy had in a manner ceased, and the Rubric itself which directed them was expunged. And they who suppose that the Offerings to the Clergy are still to be understood by that expression of Other Devotions of the people, as distinguished from their Alms, (Vide Rubric of the Church of England examined and confidered, page or) would do well to confider, whether that expression was not rather defigned to correspond with another Rubric idded at the last Review at the end of the Communion-Office, where it is faid that the money given at the Offertory (viz. both the Alms and other Devotions of the people, which by the Rubric in the Offertory are both to be collected together and received in a decent Bafin) fall be diffold of to pious and chae ritable user. For, upon comparing these two Rubrics toge-ther, one would naturally think, that as the Alms were pro-perly to be understood of that share of the collected money which should be afterwards disposed of, to the relief of the poor; fo also, the Devotion of the people was an expression that had reference to, and was to be understood of, that other share of the said collection that was applicable to pione wer. And it is in this sense that I apprehend the word Oblations, inferted in the prayer, may be confiftently applied to a portion of the collection in the Bain, vis. fach there as shall be appropriated to acts of piery. But when this is allowed, the other meaning of Oblations, win. Bread and Wine, will appear the more consistent of the two, especially according to our present practice; which is to distribute the whole collection to the poor. For, while we do this, I do not fee in what fense we can use the word Oblations in the prayer. 04 The RUBRICS and CANONS of the

Ir is good indeed and commendable to enquire into the reasons of every thing besidal-strout

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except we understand thereby the Bread and Wine. And of that we cannot understand it, unless it be first offered or

prefented by the Prieft.

And it may not be amis on this subject of the Offertory to observe further, that, when there is no collection of Alms made, there is no occasion to use any of the sentences, appointed to be recited during the time of a collection. Rub. made, there is no occasion to use any of the sentences, appointed to be recited during the time of a collection. Rub, before the Santences. Their shall the Priest return to the Lord's Table, and begin the Offerrory, sessing one or more of shale sentences. Rub. after the Santences. Whill their sentences are in reading, the Deacon, Churchwar deux, and other sit person appainted for their purpose, shall existent the alant of the part, for the old Rubrics are more expess. Then hall follow the Offertary: one or more of this sentences of Holy Seripaure to be sung while the people do offer. Or ole one of them to be said by the Minister immediately after the Offering.—Where there be Clerk, they hall single one of many of the sina that the people be offering. The Rub, in the Scotch Liturgy is the clearest of all. The Curate hall example them to temanher the poor, soing (for the Offertory) are or more of these sentences following, as he thinkeld most concerned by his dispersion, according to the length or shortmash of the time that the people are offering. And the first sentence, appointed in, shad in process of time it came to post, this Came transple of the frait of the ground an Offering to the Land, the.

From these soveral Rubries had together, the sense of the Church may be gathered; win. That Alma and the Sentences are intended always to accompany each other: And the obvious inference is, that, where the former are wanting, the latter will seem superluous, and without warrant.

Formerly, the Offerings went to the Poor Man's box, and the poor of each parish were chiesly supported from thence. And then there was an Offertory of Alms, at least every Sunday, if not also on Holydays, or as often as the Communion service was appointed. Such weekly collections at the Church are to this day made in some parishes where there is no Assessment to the Poor. And on all these Church gatherings of Alms the use of the sentences is extremely proper. But, where no collection is intended or thought of, there

CHURCH of ENGLAND confidered. 95 longing to our Office: But, if we should happen not to be fatisfied with the reasons that are affigued, still it doth not follow that we may excuse ourselves for not obferving the order that is made to be observed by us, which, if a plain one, is reason of itself to engage our compliance with its There were orders given at the last Revifal, of which perhaps the reasons are not quite to discoverable, or at least not to satisfactory. As, for instance, in this same Office for Communion there was a new direction given. that at the end of the Epiftle the Minister should fay, Here endeth the Epiftle, or the portion of Scripture appointed for the Epiftle. and wasm with samsbapas ... no But

there feems to be no inducement to use them, as there is no express authority for it. Yet I dare not blame any Minister who continues the common practice of reciting one or two of them, before he proceeds to the Prayer for the Church Militant. And the rather, because it is observable, that in most of the occasional offices for Fasts and Thanksgivings, enjoined by Authority, one of these sentences, which bears the nearest relation to the occasion in hand, is directed to be read at the Offertory. And these directions plainly carry their authority along with them. But, while we are left to the apparent directions in the Rubric only, it will be difficult to show that we have any authority from thence to use them when there are no stated Offerings of Alms. The just consequence of which would have been, that we might not at those times use any of these sentences, had not custom, and an almost universal practice of the Clergy, forbid the drawsing such a consequence.

Therefore, as the matter now stands, it seems to be left as a point determinable by our own discretion, wise either to do what has been most usually done, or not to do what we are persuaded in our judgments was not originally designed to be

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But at the ending of the Gospel he is lest without direction, and so must proceed on course to the Nicene Creed. They who undertake to account for every thing tell us, that the reason of this is, that the Gospel is supposed to be continued in the Creed, and endeth not properly till we conclude with Life of the World to come. Amen. But, whether this be thought a satisfactory reason or no, yet the silence of the Rubric is a sufficient argument that we ought not to put in any words of our own at the end of the Gospel: The want of an order in this case amounting to a prohibition.

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In may be faid perhaps there is no great reason, considering how many things are lest in the Liturgy to our discretion, that we should be directed in such minute particulars as these are. Why may we not, for instance, be intrusted with using our own manner of introducing a Lesson out of the Bible, or a Portion of Scripture to be read at the Altar, but the very words must be prescribed us? True: And yet I must needs say that he is both conceited and presumptious who is above following rule (when it is given) even in these little matters: Especially where the command is positive and express, as it is upon supposition in all the Rubrics of this class.

Or which I must observe to you in general, that no custom however confirmed

CHURCH of ENGLAND confidered. 97 can take place against them: that we cannot transfer our breaches of them into the lift of approved practices, nor justify our neglects of them by pleading the connivance, or, if you will, the approbation of our Superiors. It is true, the Ordinary may forbear to blame, and he may neglect to reform, any customary deviations from, or any open defiances of, express and positive Rubrics. But as he hath no power to alter them, or to dispense with alterations made in them, fo he cannot excuse or discharge us from our obligations to conform ourselves to them. His authority in the Rubrics of the last class is so limited. that he cannot extend it to those of this: for those rules which are clear and plain must be the Ordinary's directions as well as ours. And therefore it is never to be prefumed that our non-compliance with plain and positive rules, however supported by example and custom, can receive any warrant from his permission or approbation. For we are antecedently bound to observe them by our own folemn declarations and subscriptions of Conformity: which if they will not bind to those things which are sufficiently clear, obvious, and practicable, I know not what use they are of, or with what intention we made them.

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And now, my Brethren, what I have faid of the different kinds of Rubric, will, I apprehend, bear an examination through H

all the Offices of our Church: and will be a standing rule by which we may judge of our obligations to Conformity in every instance; and a proper foundation upon which we may always rest ourselves, both in determining our judgments, and regulating our practice in rubrical matters.

Named and policie duffice and assets! or no power to safet the or the disposite dewer the made in them. It his climat Endergible universit the spentantage office For the search of the second section of the second second section of the second Ambund We except of the date principle of the cancel control extend it to train by this: made treat worlds are block and plant inches the brains discussed as well as word of youth that stomes but an and the or in m-completed with plant will assign to the converse fungation by disconditions and contract of the second of the second this personible on astrobation. Hotel on ary mateurifeestal featural to violence them. e cascopia de cest dedet, l'és anti-pa prés-: one of concentry: which is they will not with the case of the agains sould declare

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Visitation Charge Anno 1738.

DISCOURSE V.

Upon the Canons in general.

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Reverend Breibren,

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THE subject of several of my late discourses to you at our meeting on these occasions has been the obligation of the Clergy to the Ecclesiastical Laws.

I HAVE already gone through the most important branch of it relating to our observance of those articles which we have bound upon ourselves by our subscriptions and declarations.

An b I come now to take into consideration that body of Laws which we call Canons: Which are bound upon us by authority; without our formal consent or voluntary stipulation to observe them. In which branch of the subject, as our obligation is something more remote than in the former, so it is less clearly to be discerned: and though the matter of it, at least in many particulars, be of less consequence, yet it is more nice and difficult to be treated of. Especially as there are no helps by way of H 2 comment,

comment on the Canons, from which, affifrance might be borrowed, either for explaining them, or afcertaining the measures of obedience due to them.

THE old Constitutions indeed are published with very large and, it is said, learned commentaries of Lynwood and John de Athon in imitation of the Decretals, or foreign Canons. But ours of 1603, which make that body of Ecclesiastical Law by which our Church is governed at this day, have never yet received, that I have heard of, either any professed commentary upon them, or disquisition con-

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cerning them.

IF it be faid they need it not, because, the matter of them being much the same with former Constitutions, therefore the same copious illustrations just now mentioned may ferve for both; and that the standing practice of the Courts will always be a fufficient guide in the interpretation of them both; I answer, that all this may be very true (for any thing I know) fo far as they concern the practifing Civilian; who will, perhaps, need no other helps than these comments and judicial precedents to enable him to discharge himself rightly, either as advocate or judge, in all points to be pleaded or decided by virtue of the present Canons. But yet this doth not reach the scope of my intended enquiry; which is not upon the question of what is Law, and what is not fo; (for this Cocument

We remit to the men of the profession) but what are the obligations of the Parochial Clergy in their present situation under Church-Government in this Kingdom, and under the present administration of the Ecclesiastical Laws, to conform themselves to the letter of the Canons.

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THIS I apprehend is a very distinct queftion from the other, the determination of which comes not fo properly within the province of the Canonift or Civilian, (characters that I prefume not to take upon myfelf) as it does within that of the Cafuift or Divine. In which quality or respect only, I would propose to you, my Brethren, an examination of our special obligations to those particular Canons that do immediately relate to ourselves. For, as to all those others that concern Ordinaries and the exercise of their powers within their respective jurisdictions, their Courts, and their Officers; and all fuch as concern Deans and Chapters, Heads and Fellows of Colleges in the Universities; and all fuch as concern the Commonalty in general; in a word, whatleever doth not directly affect private Ministers and Curates, with regard to their Function, Habit, or Conversation; all these, I say, shall be out of the prefent question?

AND though this is reducing my business, feemingly, into a small compals, yet it proves a business of so delicate a nature, that I could

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have wished to have had better authorities (could I have met with them) than my own way of reasoning upon it. My private sentiments however, such as they are, you will candidly accept; especially, when I profess, that if you have any other or better grounds, upon which to regulate your obedience to the Canons, than those which I go upon, I am very far from imposing my own sense upon you, But, if you have not better, perhaps what I shall advance will not seem

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altogether unfatisfactory.

In the first place, then, I think it is agreed on all hands, and maintained by the common Lawyers as well as Civilians, that the Canons (at least with respect to us of the Clergy, in which light alone I am viewing them at prefent) are Law, and binding under their feveral penalties, in all cases whatfoever, where they do not contradict or interfere with the Laws of the State. And, in the next place, I think it is agreed likewife, that they, like other Laws, are to be expounded in the obvious grammatical sense of the words in which they are expressed, or by the interpretation of the Ecclefishical Judges, before whom they are pleaded as Law. And I apprehend that in all cases prosecuted upon the Canons, and determinable by them, the Judges, in proceeding as the Canons direct, interpret them always according to the letter. The immediate inference from which should feem

CHURCH of ENGLAND confidered. 103 feem to be that they ought likewife in all cases to be literally conformed to. And yet, if we should lay this down as an invariable or indispensable rule of practice, as matters now stand with us, in all cases to pay a literal obedience to the Canons, we should foon find ourselves so entangled and beset with difficulties, as would puzzle both professions of the Law as well as our own to extricate us out of.

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To give an instance or two of what I mean. When the Canons were made and published, the Parochial Clergy were distinguished by certain characters which feem now quite out of doors. Even beneficed men were divided into two forts, wis, allowed or licenfed Preachers and Readers of Homilies; besides that other distinction of Stipendiary Preachers, Readers of Lectures and Catechifers, or publick Expounders of Scripture, which made a third class; or as many more classes as those words might at that time denote different Offices or different Species of public instruction. With a view to these distinctions are some Canons manifeltly formed. But now, for us to fay, that because these distinctions are dropped, and these several Offices are now reduced by cufrom only to two, preaching and catechifing; and both these are indiscriminately performed by every one that is admitted into Holy Orders; I fay, to infer from hence, that therefore these Canons are antiquated of invalid, H 4

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is an argument that will not hold. For, if our Ordinary should think fit at any time to try the strength of them upon us, and suffer none of us to preach, read lectures, expound, or catechife, but who are canonically allowed and licensed thereunto; he might either effectually stop the mouths of as many of us as have not his preaching Licence, or reduce us at least to the reading of Homilies. And yet, on the other hand, if any beneficed man, who is not an an allowed Preacher, should out of mere scrupulosity adhere to the strict letter of the Canons, and not venture upon any further essay in his Pulpit than the bare recital of an Homily; I believe he would neither be commended by his Ordinary, nor thanked by his Congregation: but would rather draw upon himfelf an imputation of whim and obstinacy, or, what is worfe, of idleness and unconcern for his Flock, alle we also a reference or comment

THERE is likewise another Canon, for instance, concerning Apparel, framed and worded suitably to the times in which it was drawn up; which yet if a Clergyman were now-a-days to conform himself to according to the letter, he would pass in the eye of the world with no favourable character; a much worse perhaps than his scrupulosity would deserve, and such as all his skill in Casuistry would scarce redeem. Yet, not-withstanding this, I will not say how far an Ordinary,

CHURCH of ENGLAND confidered. 105 Ordinary, if he were fo minded, might go towards putting this very Canon in execution, according to the letter of it. I mean with respect to his just and legal authority to enforce it, if he could be supposed to have any reason to induce him thereunto, or be able with any certainty to define or explain the meaning of some obsolete and now unaccustomed terms, made use of in the description of a canonical habit.

THE use I would make of mentioning these instances is, that if these Canons be Law, and yet so in force that there is a standing authority left which can command our Conformity to them, then we cannot justly argue against our obligations to them, merely from their antiquity, or their unfuitableness to the times we live in, or their inconvenience in our present fituations, but must look our for some more defensible reasons, to justify us in our not observing them.

THE next enquiry then naturally is, whether there are not certain Dispensations or acknowledged Tolerations which come in to our relief, upon this question; and what they be; and how far they extend; that is, to what cases, and in what measure and degree the Caragina out of the administration of the

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I HAD observed in a former Discourse in which I very briefly touched upon this fubject, that belides those Dispensations that are formal and express, and strictly authoritative, there

there were (as I apprehended) another fort which might very reasonably and allowably be pleaded for our not following the letter of the Canons in all points. To these, for distinction-sake, I gave the name of tacit Dispensations; that is, when the proper Guardians or Conservators of the Ecclefiastical Laws were known to be confenting to our departure from the letter of the Canons, on prefumption that we answered the principal end and intention of them some other way, Which interpretative Tolerations, though they do not so far interfere with the Canons, as to annul or destroy their validity, or their obligation; yet they so far relieve us under our present situation, as to exempt us from whatever feems at this time grievous, or exceptionable, in the Canonical Injunctions. And these tacit Dispensations I did further diffinguish into general and particular; and shall now, before we proceed any further, endeavour to support and confirm these three Distinctions of Dispensations, by fuch reasons, as I hope will prove, that they are not arbitrarily inverted, but grounded upon a justifiable authority.

FIRST, then, it is acknowledged, that the Ordinaries have in some cases a Dispensing Power: allowed them in part by the Canons themselves, + in part accruing to them by

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⁴ Can. 32. 42. 46 51 62 &c. harden har har there

CHURCH of ENGLAND confidered. 107 a customary Prerogative ‡. And their express licence, given in form, is a full difcharge from all obligation to fuch Canons as are within the compass of their Dispensing nowers. The Date has ported to some

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THIS is clear; so is also another discharge that is made by the several Statutes enacted fince the publication of the Canons: for the laws of the State do in fome things superfede them; (as, for instance, the act for abolishing the High Commission Court over-rules or rather abrogates the 86th Canon,) and in other things they direct and point out the interpretation of them: (as the last Act of Uniformity, for instance, gives the sepse and determines the present meaning of the 14th Canon, Concerning the prescript form of Divine Service; which is not the same now that it was in 1603, when the Canons were published.). Therefore concerning this class of Dispensations, or discharges from the letter of them, there is no doubt to be made, either in point of Law, or Conscience.

THE question is about those only that come under the denomination of tacit Difpensations, whether general or particular; of both which I come now to give an account.

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This is feen chiefly in fuch acts as they perform themes by a peculiar privilege; as marrying out of canonical hours; and in extraordinary Faculties granted by Archbi-shops, as that of licensing a Bishop to ordain a man Priest and Deacon, on the same day, sec.

108 The Rubrics and Canons of the

THE particular tacit Dispensations are, when the Ordinary, or they whose business and charge it is to fee that the Canons are obeyed, do, for forme special and obvious reasons, connive at certain things or proceedings not firially canonical within their own jurisdictions: When they are known, in their private judgment, to allow what at the same they may be unwilling openly to warrant and justify by their Authority; as doubting perhaps whether they can legally give a fanction to what nevertheless they are obliged, by the reason of the thing, to give permission a securit dashio

THAT fuch special allowances are necesfary to be fornetimes made, will appear from hence, that it is impossible, humanly speaking, to frame a body of Laws to compleatly, as to fuit all places equally within the Realm; or to calculate them fo exactly to the various circumflances, both of things and persons that come under Ecclefiastical Cognizance, as to make them answer all with any tolerable convenience. Whence it follows, that, in different districts or disceles, there will be fuch peculiar and local inconveniences, in keeping strictly in all cases to the letter of the Canons, as could not well be endured, if a remedy did not lie in the tacit Dispensation of the Ordinary, and the diferetion of others who are concerned in putting the Canons in execution.

AND, as these Telerations respect particul THE DE SENTE SHEET SECURITIES SECURITIES

CHURCH of ENGLAND confidered. 100 lar and local inconveniences, so the general tacit Dispensations respect such as are absolute and common to all; that is to fay, when the Ordinaries, or other Spiritual Judges, whose business it is to enforce discipline or rule, do appear by a general and avowed neglect on their fide to consent, and as it were fubscribe, to those Non-Observances of the Canons which they unanimously overlook. And for this too there may be very good reasons. The Canons were framed fuitably to the particular principles, discipline, and customs of that age in which they were fet forth. The reasons of some injunctions have now ceased. The use and fitness of others now no longer appeareth. And what might be decent then, and pass well, would feem now (after almost a century and a half) through gradual change of customs, strangely antique and unbecoming. And this will happen on course in all Laws and Institutions concerning Circumstantials, and things in themselves indifferent; which are perpetually fubject to alterations as the times change, having nothing in themselves to support their credit against the prevailing humour of mankind. And therefore, in all these cases, the main end and design of the Law or Institution is more to be attended to than the particular circumstance, mode, or or manner of complying with it. For which reason our Governors might think it better, and

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and more discreet, to connive with one confent at the neglect of the letter of some Canon, that they might give thereby the more scope and room for attaining the true end and intention of them.

You will better discern the justness of these observations, when I shall come hereafter to apply them in their proper places to the Canons themselves. At present it is time I should draw towards my intended conclusion from these premisses. As thus;

THAT when we have admitted these three kinds of Dispensations abovementioned, and served ourselves of them as far as they will justify us, it will be very hard to find any other reason, or cause of excuse, for not conforming to the letter of the Canons. For, as I before said, they are all Laws which require our submission to them, in all points which are neither superseded nor dispensed with: and consequently our obedience (as I take it) is subject to no other limitations, but what comes under one or other of the aforementioned heads.

To alledge, that the matter of the Canons is not always of such consequence, as to require we should be so closely used up to Conformity, is an insufficient plea: because we are not proper judges of that. And although it be true that every breach of Canons undispensed with is not of equal confequence, nor equally attended with sensure;

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CHURCH of ENGLAND confidered. 111 yet this is a confideration that ought to have no weight, while we are examining into the nature and extent of our obligations to obferve them. There is no doubt but a Clergyman runs more hazard of being called to account, and fuffering a greater penalty, and in reality does a more mischievous thing, by breaking the 62d Canon, which prohibits all Marriages without Banns or Licence, than by breaking a great many more (that I could name) which yet are equally obligatory upon him in point of Conscience; and which do no more admit of any fort of Dispensation, than that fame injunction about marriages doth. So that this diffinction of a more or less importance, in the subject matter of these Laws, will not come into the question, while we are confidering them as a rule to which we ought to conform ourselves.

ALL that I have been faying then concludes in these two general Rules of Direction. First, to adhere to the letter of the Canons, in all cases where we cannot justly alledge any of the three kinds of Dispensations

abovementioned, And,

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SECONDLY, in all cases where we can plead a Dispensation for departing from the letter, to answer the true intention of the Canons some other way: and not to depart further from them, than we have satisfactory Reasons, as well as presumed leave, to justify and warrant us in so doing.

113 The RUBRICS and CANONS of the

It is upon this plan or scheme that I propose (God willing) hereafter, as I shall have opportunity on these occasions, to go through the examination of all those Canons that more immediately relate to us of the Parochial Clergy.

AND in the mean time what I have now offered, preparatory to this enquiry, may not be unuseful to such as have not had the Canons much in their thoughts, nor were ever at the pains of trying how to reconcile their practice to the Ecclesiastical Laws.

I SHALL close this address to you with obferving, that the Canons, however by the Laity customarily slighted, or through inadvertency disparaged, are yet well worthy our perufing and reflecting upon now and then. And it can hardly be supposed, but King Tames's Injunction towards the End of his Ratification of them, requiring them to be read over publickly in the churches once a year, though it might be defigned chiefly for the benefit and admonition of the Laity, yet had some view likewise to a benefit that might accrue to the Clergy themselves from doing to: That the Canons might not lie dormant in the Parish-Cheft, but be seasonably kept up in the remembrance both of Priest and People.

WHAT authority indeed that Injunction hath, at this time, may be a question. It is not Canon, nor is the neglect of it present-

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CHURCH of ENGLAND confidered. 113 able, or made an Article of Enquiry into the the stranfgreffions of Ecclefiaftical Laws. Yet it is enjoined in the same Letters Patents by which the King ratified the body of Canons for himself and his Successors. But whether it partakes of the fame standing authority with the Canons by him thus ratified. fince it is neither Canon itself, nor hath been revived among the Injunctions given by fucceeding Princes, who all have acknowledged and in some points reinforced the Canons themselves; or whether it ceased to be in force after the King's demile as at was thought Queen Elizabeth's Injunctions did at her's, because she had not ratified them for her Heirs and lawful Successors as well as for herself; is a nicety that I will not take upon me to determine.

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ONLY thus much I may take leave to remark, that we are under no formal discharge from observing this injunction, if we find it expedient to follow it. We are at liberty to read the Canons, or such portions of them as we see convenient for the instruction of the people, by virtue of this injunction, at least once in the year. Nor can it be judged unseasonable or improper for us to make use of an order, which, though perhaps not strictly obligatory, yet at least hath never been contradicted or set aside by Authority: especially as we are in some sense the conserving that the conserving that the sense of the conserving that the conserving the conserving that the conserving t

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enters of the Declehatical Laws, under the Ordinary, within our feveral charges.

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By I whatever be dur l'entiments or our conduct as to this matter; whether we judge it expedient, or no, to redite and publish the Canons yearly in our Churches; yet it is highly fitting at least that we look into them ourselves, and duly ponder those parts which immediately appearant to our Office and Ministry.

A way of what I have faid can any ways facilitate, or give any furtherance to your reflections thereupon, you tlaim the advantage by the underlibred title you have to my best endeavours for your service.

ter Heirs and lawful Snecellars as well as

en herfeit; is a nicety that I will not accome upon me to delermine. Surfacillar our guerna ON'D V thus much I may take leave to rest A mark, that we are under no formal dilenarges? from observing titls injunction; if we find it is expedient to follow it. We are at liberty to read the Canons, or fuch portions of themey we fee convenient for the infirmation of the the people, by virtue of this injunction, at w all once in the year. Mur can it be judged in unicalonable or improper for us to make use to of an order, which though perhaps not is heldtly obligatory, yet at leaft hath never in continuetradicted or fet alide by Authority a u pecially as we are in fome leafe the confers. harries of the coins, made be a dischara

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Wholly taken up in preparing the way for the examination of fuch Canons as immediately concern the parochial Clergy.

The enquiry was then into our obligation to observe them, to shew what it was, and how far it extended. The result of it in the conclusion, which is all that I shall now repeat, was this, that we seemed bound to adhere to the letter of the Canon in all cases where we could not plead a dispensation for departing from it. And, in such cases where we pleaded a dispensation to exempt us from the literal observance of them, we seemed bound to answer and sulfil the true intention of them, as far as we could, some other way.

AND that no doubt may arise concerning the word Dispensation, and the extent of it in our present question, I must further put you in mind of no less than three forts of Dispensations,

fations, which it was supposed, for reasons then given, would be sufficient discharges of our obligation to the letter of the Canons.

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THE first fort were formal and express Dispensations by proper Authority. The second were particular tacit Dispensations from our Ordinary in special cases. And the third, general tacit Dispensations, or liberties commonly allowed by all the Ordinaries in the Realm; viz. Liberties not censured, or fo much as called in question by them. Which last class, though at first sight it may feem the most exceptionable, yet stands upon a footing univerfally acknowledged, that Canons do not prevail against custom, And I think it is allowed by all the Canonifts and Casuits that a general permission of Superiors, joined with reasonable circumstances, is sufficient to abate the force of any Canon, lo far at least as to be a warrantable Dispensation for not obleven of the Castingaryraldo ton

These were the fules and these were the distinctions that I had laid down as a proper foundation to build upon in my succeeding discourses upon his subject. And, how far they will answer this end, you will best judge by the application of them which I shall now begin to make to the Canons themselves. Which I shall take in their order, as they lie forted and disposed under several different heads or general titles. And this method will bring into examination all those Canons,

Church of ENGLAND confidered. 117
Canons, and clauses of Canons, which relate
to us or our Office, though not brought under the peculiar title of Ministers and their
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AND, in the first division under the title of the Church of England, I find only one paffage that relates immediately to us as Clergymen, and that is in the very first Canon concerning the King's supremacy in Caufes Ecclefiaftical. Where it is faid that all persons having cure of fouls, Preachers and Lecturers, shall declare four times in the year in their fermons, that all usurped and foreign power is for just causes taken away and abolished, and that the King of these Realms is the highest power under God. The same was in the Injunctions of Henry VIII, Edward VI and Queen Elizabeth, and was still more paricularly infifted upon afterwards in the Canons of 1640, by which it was decreed and ordained, That every Preacher, upon some Sunday every Quarter, Should read certain explanations of the regal power, inferted at length in the body of the Canon. On the ton , another

And indeed there was great reason, in those early times after the Reformation, to inculcate the Ecclesiatical jurisdiction of the Crown in opposition to all foreign authority, and to keep the commonalty mindful of this till all notions of the Pope's Supremacy were rooted out. And, though this feems to have been pretty well effected within the first century.

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tury after the Reformation, yet we are to remember that there were other occasions given by the Puritans to infift strongly upon the King's authority in matters of Religion. For which reason it should seem that the Canons of 1640 abovementioned have carried the Regale to a remarkable height, beyond what had been done in any Constitutions. before. But now there having passed almost another century under the fufficient eftablishment of the Royal Supremacy, and all notions of foreign jurisdiction being laid afide, and the oath of fupremacy being such a flanding bar against the re-admittance of any fuch claims, that they are not likely to get any footing in these kingdoms again, I say, upon all these accounts, there seems no longer occasion for Preachers to handle this doctrine in the pulpit, at least not so frequently as the Canon directs. And therefore (that I may now apply my rules of Difpensation to this point) fince our Ordinaries do not make this asty matter of their enquiry at their visitations, nor enforce the execution of this Canon by any orders to revive a practice now long interrupted; nay as the Crown itself, which is principally interested in this article, hath never thought fit, among the many Injunctions given from the Throne, to enjoin the frict observance of this Cenon to the preaching Clargy: Liey, putting all these things together, we have an excuse to make, if we be questioned

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CHURCH of ENGLAND confidered 119 questioned upon this particular, from the third class of Dispensations; viz: That we apprehend we are not tied up to any rule after universal difuse hath given us a general relaxation. That many of the ancient Canons of the Church, which were formed upon particular and special occasions, have, upon the reasons of them ceating, fallen into definerate, and the observance of them at no hand expected from us; it being always prefuned, that, where there is no admonition by Superiors, but an avowed tacit connivance, there is a confent implied towards laying afiche the obligation. Which plea on our behalf is most reasonable and just, when we can firether fay that we ftill do fomething to answer the end of the Canon, as far as is now requilite, fome other way. West and the month

And this I apprehend we do fufficiently by recogniting the King's Titles and Ecolefiaftical Prerogatives in our exhortations before our fermons, according to the geth Canon. The constant observance of which makes all the necessary amends for our customary non-

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And it is worthy our remarking here, that, in his late Majerty's directions to the Rishops in the year 1714, these two Canons are put upon a different footing of obligation. For in the 4th article of these directions where the Clergy are prohibited from intermeddling in their fermons in any affair of flate ETAT:

or government, or constitutions of the realin, although there is a proviso, that Nothing in this direction shall be understood to discharge any person from preaching in defence of the regal Supremacy, as often and in such manner as the first Canon of the Church doth require; yet you may observe that this is put in only to save the appearance of abrogating or contradicting that clause in the 1st Canon: that here is no new enforcement of it, no command to execute it punctually and literally, but only a reservation made of the liberty that the Clergy have of acting purforment to the contradicting that clause in the same literally, but only a reservation made of the liberty that the Clergy have of acting purforment to the contradiction of acting purforment to the same liberty that the Clergy have of acting purforment to the same liberty that the Clergy have of acting purforment to the same liberty that the clergy have of acting purforment to the same liberty that the clergy have of acting purforment to the same liberty that the clergy have of acting purforment to the same liberty that the clergy have of acting purforment.

fuant to it whenever they pleafe ... as a second Bur now in the 6th article of those directions that follows, concerning the 57th Canon, the Clergy are required in their prayers before fermon, that they keep strictly to the form in the faid Canon contained or to the full effect thereof; which is a plain declaration of our Supreme Head, whom this article most nearly concerns, that the neglect of the 55th Canon is not to be tolerated; and at the fame time a tacit intimation that the diffule of the other may. The intention, in the one cafe, is to reinforce a Canon, by a new charge to observe it; in the other, not directly to evacuate a Canon by giving an express discharge from it. The inference that I would draw from this difference is only this, that one of these Canons we may observe; but the other we must the one will admit of a Dispensation from customary disuse, but the other will not.

CHURCH of ENGLAND confidered. 121

I SEE nothing more under the first general title that comes under our present consideration. But the second title of divine fervice and the Administration of the Sacraments will furnish us with feveral points to be examined.

THE 14th Canon, which is the fecond of this class, injoins the prescript form of divine service to be used on Sundays and Holydays. And the charge of using this, lies upon all Ministers without either diminishing, or adding any thing in the matter or form thereof, for fo the Canon enjoins at it guillafut son two not

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Bur now there is no doing this in the precise sense and intention of the compilers. For the fervice-book, or prescript form to which they referred, was that which was published with amendments by King James I, immediately after the Hampton-Court conference, and immediately before the publication of these Canons: and which continued in use till it was quite put down in the great Rebellion And it was a question even then when these Canons were made, whether that form of Common-Prayer to which they referred, as it was only authorized by the King's mandate, was of competent and fufficient authority, to superfede and exclude the prescript form established by act of Parliament in Queen Elizabeth's reign. For this was disputed not only by the Puritans of those days, but afterwards by some of the greatest Ritualists. cach other, we know which of them mult

saint bendy lettled by callow a which forgotte more Bur

122 The RUBIICS and CANONS of the

Bur now this doubt and question, as well as the fervice-books which were the fubject of it, being at an end, by the revifal of the Liturgy at the Restoration, and the Parliamentary Establishment of that revised form for divine service for the future, our obedience to this Canon can stand upon no other bottom, and is capable of noother interpretation, than this; that we do answer the general design and intention of it by conforming ourselves to the prescript form now in use. And for our not fulfilling it in the letter, or acconding to it's special intention, we alledge an authority from the legislature to justify us according to the first class of Dispensations: which is the fullest authority we can at any time plead it ye street before this Bartist

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THE like may be faid of the next Canon, viz. the 15th, which requires the Litary to be read on Wednesdays and Fridays. We cannot perform this office agreeably both to the old service-book of King James, and our present reflored Liturgy. For according to the former it is to be a diffinct office, and to be used by itself; and what is more, it hath those very collects annexed to it which by our present common prayer book are forbidden to be used at the same time when the Litany is. There is no compounding thefe differences or reconciling their contraricties. But, when Canon and Rubric interfere with each other, we know which of them must take BUT

Church of ENGLAND confidered. 123 take place. The Rubric is the standing rule to which we must conform ourselves. But nevertheless in so doing we answer the general intent and purport of the Canons; and that, in these cases, amply sulfils our obligations to them.

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For this reason I shall totally omit the particular consideration of the 20th +, 21st, and 22d Canons, which are transferred into the Rubric.

I should for the same reason pass by the 26th likewise, concerning the repelling notorious offenders from the Communion, about which there is also a Rubric which I have formerly considered, were it not that there is a clause in that Canon which doth not interfere with, or come under, the consideration of the Rubric. And where Rubric doth

[†] The Rubric upon the same point is fuller and clearer than the Canon. For whereas it is only said in the latter, that the Churchwardens of every parish, against the time of every Communion, shall, at the charge of the parish, provide a sufficient quantity of bread and wine, with the advice and direction of the Minister; the Rubric has it, that the bread and wine for the Communion shall be provided by the Carate much the Churchwardens at the charges of the Parish. But I fear neither Canon nor Rubric will prevail against custom and long usage, for the discharging any Parish Minister, who hath provided the bread and wine hitherto at his own cost, from that expence and burden: I mean for those three Communions which he is bound to minister every year; that of Easter being one, and for which he is supposed to be intided to some of his Easter-Offerings or Reckonings. We are told that this order, both in Canon and Rubric, is not to be understood to extend to any places where the provision of bread and wine was already settled by custom; which supposes composition,

doth not contradict Canon, or cannot be judged explanatory of it, I prefume it doth not fuperfede it. And this is the case of the clause in the 26th Canon, concerning the withholding of Churchwardens and Sidemen from the Communion, for wilfully neglecting or refusing to present notorious offences committed within their parish. No doubt the design of this was very good, to represent to Churchwardens, in the strongest light, the guilt and bad consequences of their not discharging this part of their duty faithfully and conscientiously.

Bur I fear the injunction, considered as an act of discipline to be performed by the Minister, is almost impracticable. For as the Canon is worded (and probably fo worded on purpose to prevent any misuse of such authority vested in the Minister) he is only to exclude from the Communion such as bave wittingly, and willingly, desperately, and irreligiously incurred the crime of perjury, by not prefenting robat themselves knew to be committed, or was notoriously offensive to the congregation, although they were urged by their neighbours, or by their Minister, or by their Ordinary bimfelf, to discharge their consciences. And the Minister must not only know this, but he must be able to make it appear to others too, before he can fafely repel them upon this score. For there is another Canon which provides, that, after their presentments are exhibited, yatheady fettled by cultom : which supposes composition. they shall not be any further troubled for the same, except upon manifest and evident proof it may appear that they did willingly and wittingly omit to present such publick crime or crimes as they knew to be committed. In which cases of wilful omission, the Ordinary shall proceed against them in such sort as in cases of wilful perjury in a Court Ecclesiastical it is already by law provided. These are the very words of the 117th Canon. So that it should rather seem as if the proceedings of the Ordinary against such delinquents ought to precede their exclusion from the Sacrament; which would make the Minister's province a very clear case.

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But, if this is not allowed, you will find, upon comparing these two Canons, that the restraints and reserves under which the Minister is injoined to perform this special act of discipline, are such as scarce leave him room to know when he acts within, or beyond his commission. He can hardly ever be sure, much less be able to prove, that the neglects of his Churchwardens, in not presenting, come up to the exaggerating terms by which they are described. And, if they fall short of them, he hath no power, by virtue of the Canon, to

withhold them from Communion.

AND.

WE need not therefore I think look out for any other Difpensation in this case, than the customary disuse of this discipline, owing to the caution and prudence of the Clergy. 126 The Rubrics and Canons of the

By the next Canon, viz. 27, the Sacrament is to be with-held from febifmaticks, and depravers of the Common-Prayer, the articles of Religion, and the King's Ecclefiastical Supremacy. These offences are not mentioned in the Rubric, yet so great a stress is laid up-on them here, that nothing less than suspenfion is threatened to the Minister who complies not with this direction.

THAT there were good reasons for this strictness, when the Canons were drawn up, we will make no dispute. But whether there be any now, or how we stand bound by this constitution at this present day, deserves our He is at their is not allowed

enquiry.

In the first place, the Test act hath superfeded the obligation of this Canon in all cases where the Sacrament is received for a qualification: fo that even an avowed schismatick offering himfelf under thelter of this act is fufficiently fixreened from the centure

of the Canon, allowing And, 2dly, the act of Toleration, allowing to all schismaticks the use of the Sacraments in their own way, not only leaves them under no temptation of occasional conformity, (fave in cases of qualifications) but exempts them from all trouble and profecution in the Ecclesiastical courts, to which their repulsion from the Communion is in effect or by confequence a leading ftep. The moiture of

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AND, adly, what is still more material, it doth not yet appear whether the Canon direcetth any to be excluded as fchismaticks, but fuch as are declared for by forme lawful and judicial fentence. For, though by the Canons under the first title schismaticks be excommunicated ipfo facto, yet as this excommunic cation has no effect at Common-Law, without a declaratory fentence pronounced by an Ecclefiaftical Judge, fo fay the Civilians, the censure of the Canon in excluding them from the Communion is not to have effect till they be after legal process excommunicated. Which opinion was given upon a very extraordinary occasion, wiz. in the case of the famous Richard Baxter in the last century? than whom dearce any non-conformist in the kingdom was more obnoxious upon the footing of the ipfo facto excommunications; and yet he often communicated with the Church of England, and was permitted to to do, upon this fingle diffinction, that, not being legally declared excommunicate, be could not canonically be repelled from the Sacrament. " S ?!

THE fame distinction, as I take it, holds equally good with respect to the impugners of the 30 articles, and the King's sovereign numberity in causes ecclesiastical. They are laid under this centure here as being excommunicated inso facto in the Canons under the first title; but, till a sentence hath passed upon them, this discipline of repelling will not reach them.

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128 .The RUBRICS and CANONS of the

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As to what is faid in the 28th Canon, of Arangers not to be admitted to the Communion. and of remitting them bome to their own parifles, it feemeth now to have no longer any force in it, from the constant and universal custom of mixed Communions: where none by the practice of our Church, and allowance of our Governors, are fo much as questioned, if there be no notorious or apparent. reason to refuse their Communion with us. mile indeed any of them should refuse to kneel at the Sacrament, or to be prefent at the publick prayers, the Canons are for expressly against their admittance as not to be over-ruled. But if they reverently and decently comply with the usage of the established Church, and give no reason to apprehend they are acted by any other motives, than the delire of performing a religious service, there feems no reason to refuse them. And, whatever obligation there might have been from the Canon heretofore to do fo, bit hath now cealed by a general confent on all fides.

In a word, let it be remembered of all these kind of persons which are sorbid the Communion, by the three Canons that I have been now speaking to, that as none of them are now enquired after, or presented as delinquents; that as we have no instance of suspension, or even of admonition, of Ministers by their Superiors for admitting them; that there yet remains great doubt in some of these cases

CHURCH of ENGLAND confidered. 120 cases what shall be judged, acting in conformity to the Canon, and what not; that the cognizance of some of these offences ought not to be left wholly to the private judgment of the officiating Minister; and that he can hardly be fafe and fecure in what he doth, if he be bound to make proof of them in a court of judicature; I fay, for these reasons it hath been thought proper to let these Canons lie dormant, till some just occasion shall arise to move our Governors to revive them, and re-inforce the execution of them.

AND therefore in the mean time we plead a general tacit Dispensation for our not acting according to the letter of them.

THERE is but one Canon more remaining under this title, viz. the 20th which prohibits arry to be admitted sponsors at Baptism who have not themselves received the Lord's-Supper. A Canon which I think allows of no Difpenfation; and which is supported by so just and evident a reason, that I hope we are all careful to execute it to the best of our knowledge omla gaich governs due

IF God give us another opportunity of meeting together, I shall proceed to examine in like manner the other Canons that follow.

cially if examined with some degree of acci-

racy, and application to the old Confliction and I constitute in thing of this parion, were

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Visitation Charge Anno 1741.

DISCOURSE VII.

Upon titles and restimonials. 10 1100

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HOU GH it is now two years—fince I called you together, yet I prefirme you have not forget the fubject I undertook to handle, as opportunity though fewe, upon their occasions: wiz. how far the Parochial Clergy are bound to observe the Carions according to the jetter of them, and how far they may justly plead a Dispensation in long cases for not doing to.

I were through the two first titles in my last discours, and proceed move in the third concerning Maristra, their ordination, sincline, and charge. And, as every thing almost that notates to up in the Canone in through under the title, it will take up much more time and confideration than the former did e especially if examined with some degree of accuracy, and application to the old Constitutions and Ecclesiastical History of this nation.

^{*} The Bishop of Durbam visited in 1740.

CHORCH of ENGLAND confidered. 131

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INDEED, of the five first Canons of this class which are about Ordination, there are whee in which we have no concern at all as Parish Ministers ... And it is no part of my defign to meddle with any of those Carions which relate wholly to Ecclefialticks in other capacities; as these three dos viz. to Billions. their Architeacons, and fuch of their Chapters as are to be affirmant to them in the Examination and Ordination of Manifers. But in the other two, that is, in the 22d and 74th Canons, the one respecting the titles, the ther the qualities of flich as are to be ordained. We have not only forme conterny but made For great one. For much as two very material points rest methody upon the version and Rondult of the Parochian Clere The prefiliphon of whose integrity and in general dealing, in giving titles and telepho-Hale for Orders, is the foundation of their being concerned in the granting of enther, the Bishop's authority for decepting and telying used beth. And therefore he is no we he then two points maken our and reinforced by the Ring's Injunctions in 2 28 things that the let ve a more effected by a facte trement: or for favour of officer thin's take impose upon our Diocetan by an

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Can. 31. intitled, Four folemn times appointed for the making of Ministers. And 32d, None to be made Deacon and Priest both in one day; and 35th, Examination of such as at to be made Ministers.

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THESE therefore shall be my present subject. And I shall speak to them distinctly.

As to titles, those that are to be given by the beneficed Clergy come under that description of a title in the 33d Canon which we have in these words: A true and undoubted certificate, that the person, offering himself for Orders, is provided of some Church within the diocese where he may attend the cure of souls. The older Constitutions since the Reformation * have it certum, verum, et indubi-

tatum certificatorium.

Now to make any question whether we are bound to observe this Canon according to the letter, if we are bound by it at all, feems to me like making a question whether we are bound to act honestly and uprightly. And were it not specified in the Royal Injunctions above mentioned, that care should be taken these titles be always real, to prevent what we have all heard of to be fure. under the name of sham titles, I should hardly have troubled you with the mention of this particular: judging it, as I well might, too great an adventure for any of us to think of, to lift a man into the facred offices by a mere figment: or for favour or friendship's sake impose upon our Diocesan by an untrue certificate. of ingrest handfrom. And glid, those on he mode therein

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^{*} Articuli pro Clero' 1584. And the Constitutions of 1597.

CHURCH of ENGLAND considered. 133

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Bur it may be faid, and it may possi-bly fometimes be the case, what if the Bishop be previously acquainted that such title to be given is not real, and yet doth for special reasons think fit to allow and accept it only as a title in form? No doubt the case then is very much altered. It is altogether fo in one respect that the Bishop is not deceived, and cannot be disappointed in giving credit to what deserves none. But how far the case is altered in other respects is not to eafily faid, unless one knew those special reasons which induce the Bishop to this private tacit Dispensation. If he does not defign thereby to discharge himself from the obligation he lies under, by this Canon, to provide for every person he ordains without ascertaining a real maintenance *, I can fee no end that fuch a mock certificate can

The words of the Canon are, If any Bishop shall admit any person into the Ministry that bath none of these titles as is aspresaid (of which the true and undoubted Certificate from a beneficed Clergyman is one) then be shall keep and maintain him with all things necessary till be do preser him to some Ecclessifical Living, &c. This is the common law of the Church of which this Canon is only an affurance. And not only a Bishop, but even his executors have been called upon to allow a maintenance to such as he hath ordained without any title. Cod. page 162. Now, when a beneficed man gives the certificate aforesaid which makes the title, he is supposed thereby to charge himself with the maintenance of the person to be ordained upon it: And therefore, generally speaking, the maintenance is fixed and specified in the said certificate, in order to make it a canonical title, and put it upon the same footing with the other titles here mentioned.

K 2 answer.

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answer. For he might as well to the full ordain without any title, as with this which is properly none, being in this view a mere bulk of a title, or the shadow of it without the substance, of no weight or fignificancy. But, if on the other hand the Bishop, knowing it not real, should take it nevertheless in form as his own indemnity or fecurity, then it may prove not altogether to form a thing as the giver of it may imagine. For it may be realized whenever there shall be occasion for so doing; * and it will pass in all the courts where it can be pleaded, if it comes there, as having been tendered and received for a true and undoubted certificate, such as the Canons requires and will be as binding upon the man that gave it in all respects, as if it had been originally real, and unfeigned.

The fum of what I would fay is this; No certificate of this kind, but what is given bona fide, can be the certificate required in this Canon. But whereas the Bishop may ordain wishout a title, submitting to the condition confequent upon his doing so, he may likewise dispense as he pleases with the certificate either in whole or in part, in matter or in form. Only be it remembered,

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That perfore insiding may be, and have been called upon to provide for a Clerk ordeined upon their title when he bath wanted a maintenance, See Cod. page 162, and De Grey's Abridgment, page 14.

CHURCH of ENGLAND confidered. 135 that, if it be in true form, it will have the true effect, to fave one party harmless, and to bind the other as a fecurity. And, therefores though it cannot be faid of these mere formal titles (for I would diftinguish them by that name from those false ones, which are at the same time impositions upon the Ordinary) though it cannot be faid of these we are now speaking of, that a Clergyman acts diffionestly, or even unfairly, in giving them, yet it is another question whether he acts differently in doing to, for the reasons above

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as in this xafe Is wall add no more upon this head, but proceed to the other point in the 14th Canony concerning Letters Teltimonial, which is of much greater confequence. For a sham tellimonial of life and manners doth not only deceive the Bishop, in a point of the nicest concernment, both with regard to his office and his reputation; but does an injury to the Church itself, and affects the interests and credit of the Ministry at large. Here is no room to fugget the Bishop's privity or confivence; or, could even that be imposted, it would no ways avail by way of exerce. And, therefore, to attest worthy characters of unworthy persons, in order to bring them into a lituation where they may expose them. and give open scandal, is destitute of any iustifiable BON

justifiable pretence; and I wish I could add it were equally destitute of any precedent.

I MUST acknowledge that human respects, and sollicitations of acquaintance, and other mere social regards, are great temptations with people of kind dispositions to too easy a compliance in granting this favour; and such persons may be sometimes drawn in to the signing of testimonials, when their judgment doth not concur with their good nature. I am loth to blame any friendly or neighbourly qualities, yet sometimes they do deserve blame, as in this case in particular; where they are the occasions of a mischief which much better qualities cannot repair, or make sufficient amends for.

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I no not mean, my brethren, to charge any of you with this misconduct in what I now say. Or if there have been heretofore any complaints of unwariness or precipitation in the signing of testimonials, within this Archdeaconry, I am verily persuaded there has been no ill intention, or finister motive, accompanying such act. But as I hope you will always permit me to offer such friendly advice as I am capable of giving, and allow it a patient hearing, even when you may think it, in great measure, unnecessary; so I would now, by your leave, inlarge a little upon this head, by shewing both what it is this Canon must be understood to require, and also of

CHURCH of ENGLAND considered. 137 how great moment it is to observe it with a

more than ordinary strictness and care.

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IT is commonly thought if a testimonial be figned by three Clergymen, especially if they be beneficed men, it is fufficient. And it is fo, on the Bishop's presumption, ends of the Canon are thereby fully answered. But the Canon is not thus worded. The attestation directed there is to be made by three or four grave Ministers; and I know not what that epithet means in this place, unless it be to diffinguish and denote such men as are proof against light and unseasonable compliances, too discreet to give testimonials without fufficient affurance of what they fign, and too honest to prevaricate in the least in an act of so solemn a nature.

I CALL it follown, not only from the effects and consequences of such certificates, but from the method of giving them required by the Canon, which is under their seals. A circumstance, which though not always infifted on, yet shews the weight that the Canon lays upon the bearing testimony for sacred Orders under the strictest formalities.

You will see in the Articuli pro Clero in 1584, and again in the Constitutions of 1597, that all letters testimonial, except such as were granted by the Universities, were to pass under the seal Alicujus justitiarii ad pacem dominæ reginæ assignati, una cum subscriptione & testimonio aliorum proborum &

138 The RUBBICS and CANONS of the

fide dignorum bominum ejustem paræciæ, &c., Here the Clergy had no hand in these certificates. But by the present Canons the validity of the testimony, which before rested in the justices of the peace, is now made to rest upon the Clergy, together with the subscriptions of other credible persons. And, as a further mark of the trust reposed in them alone, the Lay-subscriptions appointed by the Canon are hardly ever insisted upon; but three or four beneficed Clergyman give a testimonial it's whole weight and strength. So that it hath all the value and effect from passing through their hands only, that a whole college in the University can give to a testimonial of one of their own members.

Now I would recommend it to any one, who is about to charge himself with hearing this testimony, not to forget what kind of men he voluntarily takes upon him to perforate; not merely men in Orders, or men legally possessed of benefices, but such as in the former Constitutions are dignified and characterized by the following words, Prudentes, graves, his probis, side dignit. So episcopo noti: all which, except perhaps the last, are, in our present Canon, summed up in one word, grave; which, therefore, in this place, carries no ordinary acceptation.

AND pray what could induce the Convocation to take this trust out of the hands of the King's justices, and place it in those of

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CHURCH of ENGLAND confidered. 139 the Ministers; or what could fatisfy the Bishops in generally waving the Lay-subscriptions, but a belief or perfuation that the Clergy would act with more care, concern, and attention in this matter, would be more fearful of imposing upon the Ordinary, more cautious in admitting men of suspected characters into the Church, and every way more circumspect and more delicate in the execution of this trust, than other persons could ordinarily be supposed to be? For, hating these presumptions, I cannot conceive why a testimonial of life and good manners from Lay-hands should not be, to the full, as authentick and fufficient

AND now you have the whole force of what I would represent upon this head, as incumbent upon us by wirme of this Condi-

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INDEED, by some later rules, a much Anations of the Canon. greater frictness hath been enjoined in this matter, than the Canon itself doth feem to require. Among the King's injunctions in 1694, the 5th runs in these words: That the part of the 34th Canon, which relates to the giving of certificates concerning the lives and manners of those subo are to be ordained, he frictly looked to and that the Bishops lay it on the consciences of the Glergy, that they fign no certificates, unless, upon their own knowledge, they judge the persons to be duly qualified. This is pretty ftrong; but yet the rule grounded

The RUBRICS and CANONS of the grounded upon it is still stronger, as you will see in Archbishop Wake's Provincial Letter, 1716: That no Testimonials be admitted on any occasion what soever, unless it be therein expressed for what particular end and defign they are granted, nor unless it be declared by those who shall fign them, that they have personally known the life and behaviour of the person for the time by them certified, and do believe in their conscience, that he is qualified for that order, office, or employment, to which he defires to be admitted. And, as if even this was not fufficient, there hath been commonly added (I know not by what authority) that fuch person is also well affected to his Majesty and to the present constitution both in Church and State. Millimode metergan

But now as these are not properly explanations of the Canon, but rather super-structures upon it, they are not within my present question. However, I cannot help making two or three reslections upon them.

FIRST, of what great importance the Governors of our Church have thought it to have this business of Testimonials religiously

attended to.

2dly, THAT there have been juft grounds of complaint or suspicion, that it hath been too lightly and superficially regarded by the Clergy.

THESE points I the rather mention, to justify my giving you in charge what I now do.

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CHURCH of ENGLAND considered. 141 adly, THAT these rules being given ex abundanti, or as improvements upon what the Canon requires, are a convincing proof that there is no room for any fort of Dispensation for not doing what the Canon obliges us to.

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BUT then, 4thly, I will not fay whether the Bishops may not, and ought not, in some cases to dispense with our non-compliance with these new rules in the rigorous construction and extent of them. To give it under my hand, that I do believe in my conscience that fuch a person is qualified for the order he proposes to take upon him, and also for the cure and trust to which he is appointed, is a very comprehensive declaration, if expounded at large; and fitter rather to be made by the Clergy who are affiftants to the Bishop, in the examination of the candidates, than for one who certifies only for an apparent good life and conversation. Therefore I apprehend the word qualified ought to be limited to, and understood only of, the subject matter of the Testimonial, which is a person's moral bebaviour; and that all the other senses of qualifted are dispensed with, provided he that certifies doth not know of, or hath not reafon to suspect, any disqualifying objections that lie against him.

THEN again, as to personally knowing bis life and behaviour for the time certified, it is a phrase of such doubtful and indeterminate latitude, that I am not fo clear as I could wish wish to be, how it ought to be interpreted. I may not have the same thoughts about the extent and certainty of this knowledge that my Ordinary hath. I may come short of his meaning, or he may mitake mine.

The Canon speaks, indeed, of thousing the life and behaviour of a man, but doth not specify the means by which facili knowledge

must be attained.

Tobsek ve in the Preface to the office of Orthination, that the Biffrop is allowed to know any person to be of virtuous conversation, and without crime, either by himfelf, that is personally, or by fufficient tellimony; and may ordain him upon a belief grounded foleby upon Testimony. Indeets there is great reason it thought be to: Because it is almost ineretible a Biffiop Mould have perforal knowledge of a man's immoralities, or be a competent judge, parely from his own observation, that any person stands clear of them. But this reach has also some place with respect to the personal knowledge of the Chergy, I imagine they are better judges of a man's moral character by report or enquiry among their neighbours, than by what they can be supposed to observe in their own persons. For any material defects it a man's conduct are not to likely to fall directly under their cognizance; though at the fame time; in this centurious world, they can hardly escape their cars. And therefore I should

CHURCH of ENGLAND confidered. 143 should esteem this latter way of coming at the knowledge of what they certify to be oftentimes preferable to, but at all times equipollent with, the former. And though it is highly proper and fitting, that they should have some personal knowledge too of the man whose conversation they attest, to confirm and correspond with what they take upon report; yet it feems no more necessary that their acquaintance flould be intimate and families, or that they should be ocular witnesses of what they certify to render them competent ones, than that their Testimonial should be infallible, in order to render it unexceptionable (apart of all of appear, possessi

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Bur do not take this in any fense as a release, or even a discouragement, from figning certificates for fuch as want them and kree them. It is true we are under no legal obligation to give them, for it is a vohinging act. But yet the claim upon us is formationes for Alrengy as to become a debt which we cannot with reason and justice refulls to discharge. Nor is it a good pleas to allistics; that as we may be deceived in our opinion of any candidate, and to become und man into facred Orders, therefore it is better totally to decline all recommendations: This inference is not justly drawn; for by fine rule we must also exclude the like lot means of getting good men admined 144 The RUBRICS and CANONS of the into the Ministry. Testimonials must be had, and from those too who can best give them.

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Now though you cannot certify for a stranger, because it must always be presumed that what you attest comes some way within the compals of your knowledge; neither can you certify for one that you are apprized hath any stain upon his character; because you cannot do it without a fecret refervation or concealment of what, if known, would taint and spoil your Testimony; (and in such case you will abundantly favour the person that asks your hand, by being quite pasfive and neuter in the matter) yet if your fituation and acquaintances give you an opportunity of knowing, either by observation, or report from fuch as you do usually give credit to, that a man's conversation is in the main irreproachable; that he hath lived peaceably, foberly, and modeftly in your neighbourhood, without any untoward furmifes that might render him obnoxious to the Bishop; or which, if proved true, would be a bar to his admiffion into Orders; I say in this case you may not only very honestly, and very fafely, but you are bound to give him your suffrage, and to bear witness in his favoure to saily to deal as all recommends will remove

AND this is all in my apprehension that is required in the canonical Testimonial de vita laudabili, & morum integritate, as the Latin

CHURCH of ENGLAND confidered. 145 Latin Canon runs; or, as it is defined in the the 30th Canon, de morum bonestate vitaque probabili congruum testimonium. And not that it is meant in either place that a perfon's conversation be so unblameable, as to be without any apparent effect of human weakness or passion; or his character so unfullied and unblemished, as to carry no tincture of indifcretion. No: Testimonials are to be taken and understood as men themfelves are, with just and proper allowances; and even under this view they are no flight or trivial recommendations; especially when they have retrospect to three years past, as it is required they should. He that can sustain a good report for that time among grave and ferious persons, with, or near whom he hath lived, does both very well deserve to have it given, and to be well esteemed for it, when it is given. And fuch a one is not to be disappointed, upon unnecessary scruples, of his necessary Credentials.

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As to the particular forms of certifying, let every one judge for himself in the use of them. Fair and ingentious dealing will always prescribe it's own form best. Which though it may not be, in some cases, de meliore nota, though it may not carry the weight and authority of the prescript form abovementioned; yet, if it will answer the plain end and design of the Canon, I am much mistaken if it will not also satisfy the Or-

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dinary;

146 The Rubrics and Canons of the

dinary; who will but think it reasonable to suffer a Testimonial to be let down to the level of the Canon, when it cannot with justice, or without straining, be made to rise

higher ald a mall our of

dinary ;

And, lastly, Iam persuaded that if the rules I have been offering for the full discharge of the trust reposed in us by the Canons, were but duly kept to; neither would any person who deserves a good Testimonial be at any disticulty in procuring one; neither would the Bishops ever be deceived, or deprived of that sufficient Testimony, upon which both by the Canons, and the Rubric, and in good conscience they may confer Holy Orders.

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I MAVE now run my usual length, and so with my best wishes I dismiss you.

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which it is given. And trein one is not to be disposite of most usin celliny let uples it is necessary Createntals.

As to the particular thrids of equivalent in every one judge dor him all an fire ute of them. Fair and incertains the interval of them. Ways perfectibe its own that both which ough it may not be, in form cates is not near neight in may not be, in form cates is not neight authority of the prescript form clouds and authority of the prescript form clouds and animally design of the Carrent, I am countries and all not are sensitived as a straighted the will not are sensitived to

Visitation Charge Anno 1742.

DISCOURSE VIII.

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Upon the ex animo Subscription, and the Oath

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In the five first Canons of the third title, relating to the Ordination of Ministers, I found only two points that concerned the Parochial Clergy, viz. Titles and Testimonials for Orders, which were the subject of my last Charge. And, proceeding now to the next five Canons under the fame title, I likewise find only two points that fall within the compass of my scheme: one of them in the thirty-fieth Canon, which requires our subscription to the three articles therein specified, and the other in the fortieth, which enjoins the Oath against Simony.

THERE is, I think, no doubt but this Subfeription must be made, and this Outh taken according to the letter. And as neither of them are, or can be, dispensed with, being always certified by the Ordinary as done and performed, in every instrument of collation and institution that he grants, and as both

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148 The RUBRICS and CANONS of the the Subscription and the Oath and the Certificates are to be repeated toties quoties upon every admission of the same person to any new benefice; I say for these reasons it might have been fufficient to declare in general our indispensable obligation to adhere to the strict literal fense of these Canons, had it not fo happened, that there is room for fome little diversity in the interpretation of the letter, with respect to the words ex animo in the Subscription, and the term Simoniacal in the Oath. Had a little difference of fentiment in the use of words been found in any other part of the Canons, it had not been so material; but as it happens here in the very form of a Subscription and of an Oath, (which are very tender and celicate things) it will well deserve some

AND first as to the ex animo Subscription. The clause in the 36th Canon, which introduceth the form of subscribing, begins with these remarkable words, that for the avoiding of all ambiguities, such particular form shall be used, and none other. And yet so it is, the retaining the phrase ex animo *, in our English Version of the Canon, either

(1) n according to the letter. And as neither

Ego N. N. tribus his præfixis articulis, omnibusque in eistem contentis, lubens & ex animo subscribe.

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^{*} I N. N. do willingly and ex animo subscribe to these three articles abovementioned, and to all things that are contained in them.

CHURCH of ENGLAND confidered. 149 is an argument that the translators were not clear how that expression should be rendered; or at least it's being not translated, as it feems capable of two fenfes, leaves a doubt how it is to be precifely understood.

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I AM well aware that the Subscription, fince the late act requiring all legal forms whatsoever to run in the English tongue, is not now made, as it was before that act, in Latin; and that for the same reason likewife it is necessary to translate ex animo in the English form given by the Canon by some such word as the Ordinary shall think it most proper to render it by; nor indeed can I tell you whether the Ordinaries are all agreed in any one rendering or no.

Bur however this does not much affect our present inquiry. For the Latin Canon is the fame that it was. And most of us here present have subscribed in the Latin form before the change was made. And, were we to subscribe again, it must still be in the same sense, and in the same perfect confistency with the original * Latin form, in which ex animo yet stands, the subject of our present examination, and canal samues

endedge, at a supplier annels CHI of God. True which Caren is that the form of

[&]quot; the Suptemption rule in their words, which from exercity
" to decising a many own opinion, was not a faire contact to The English Canons are however equally authentick, (as Bishop Burnet observes of the English and Latin Articles, giving this reason that they were at the same time prepared in both Languages. End of his Pref. to his Exp.) From whence may be inferred, that, if any places in either be L 3

140 The Rubrics and Canons of the

The learned Bishop Burnet in his Introduction to the XXXIX articles + makes use of this form of Subscription as an argument, amongst others, that the Clergy subscribe the articles as their Opinion, and not merely as terms of Peace and Communion; judging that they do thereby express their ex animo affent to, and belief of every thing contained in them. But another Expositor of the Articles, of no mean character, tells us in his Introduction; that he is not well satisfied with this reason

hessels and determinate, their sense is to be fixed by the more clear and determinate sense of the other: the same sense being evidently intended in both. See Dr Waterland's Answer to an argument in a like case that ran thus: "By an act in the 13th of Eliz. Subscription was required to to the XXXIX Articles in English, and not in Latin: though the Latin Articles only passed in the year 1562. Whatever authentickness therefore the Latin Articles may have, yet we are obliged to subscription to the XXXIX Articles considered, p. 7.] But, if we do not subscribe to the Latin as well as the English, in what sense do we subscribe to the Articles of 1562, which are the Articles the act specifies?—But see Dr W—d. [Supplement to the Case Arian Subscription considered.]

* The 30th Canon, lays he, is express for the Clergy, requiring them to subscribe willingly and ex caime, and acknowledge all and every article to be agreeable to the word of God. Upon which Canon it is that the form of the Subscription runs in these words, which seem expressly to declare a man's own opinion, and not a three content to an article of peace, or an engagement to allence and subscribes mission." Introd. Runs. Rep. XXXIX Art. 28

"missen." Introd. Burn. Exp. XXXIX Art. p. 8.

† Dr William Nicholls. In that note where he undertakes
to explain the meaning of Subscriptionless anima. Comm. on
the 16 first Articles, p. 4 Pol.

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CHURCH of ENGLAND confidered. 151 reason of the Bishop's: and though he does not deny that the Clergy ought to give all that affent, which his Lordship contends for, yet he objects against this way of proving it; alledgingso it and any toldo of the

FIRST, that this is not a Subfeription to the XXXIX articles, but only to the three

articles mentioned in the Canon *.

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SECONDLY, that the phrase itself, as it is here used, doth not carry the sense of opinion or belief. For although when it is joined to verbs, which are expressive of the sense of the mind, as ex animo loqui +, it imports real belief and perfusion; yet when it is joined to verbs that are expressive only of the will, or the affections of the heart, as ex animo velle t, ex animo amare ||, and the like; or where it is used with verbs of action, as ex animo facere **; there it means no more

He fays this is proper to be explained, because " the mis-"understanding of this expression fex anima in the Subscrip-" tion Form, may occasion some unreasonable scruples in con-" fcientious men, and keep some of the best men from enter-"ing into Holy Orders." Ibid.

" "Which," he fays, " are not fo much articles of opinion "as of confent. And the Subscription to them declares, not what the subscriber believes, but what he readily consents to." fold. These uses of the phrase he confirms by the best au-

taorities.

† Equidem dicam ex anime quod fentio: Fusc. Q. And for animo credere. Cic. ad Att.— ibid.

† Tibi bene ex animo volo. Terent. Heaut.

Ex animo commendare. Cic. ad Att.— ibid.

**Ille quem beneficio conjungis ex animo facit. Ter.

Adelph. — ibid.

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152 The RUBRICS and CANONS of the

than chearfully or heartily. So that lubens & ex animo subscribo, in the form prescribed by the Canon, means no more than this, I do

willingly and readily subscribe *.

THIRDLY, he observes that it cannot in any other fense, but this of readily, be applied to that part of the three articles which relates to conformity +. For when I subscribe, ex animo, to the use of the established Liturgy, I must mean that I do readily consent to conform myself to it, or to make it the rule of my practice. But I am not supposed, in that act of subscription, to deliver my particular judgment concerning any part of it, further than that I do so admit the whole as to resolve to be governed by it in all my ministrations.

Now, though I cannot but allow these distinctions to be just and right in the main, yet I much suspect, that they are not well applied in this place. Nor do I fee any real difference they make in the conclusion, or the inference, that the Bishop of Sarum draws from this subscription. " and toe for much strawler of sort one "

Beech.

[&]quot;So that by the same analogy," says he, "the words willingly and ex animo being joined together, ex animo must, in this form of subscription, fignify readily." Ibid.

^{† &}quot;When the subscriber," says he, "by the second arti"cle, promises that be will use the book of Common-Prayer,
"how can he be said to subscribe to this as his opinion? He " subscribes to this clause, ex animo, because he heartily conserved fents to use this book." Ibid.

CHURCH of ENGLAND considered. 153

FOR, first, though it be only a formal subscription to the three articles expressed in the Canon, yet it is virtually a subscription to the thirty-nine. For simuch as one of these three imports our allowance and acknowledgement of all and every of the Thirty-nine Articles to be agreeable to the word of God. So that whosoever subscribes to this allowance and acknowledgment, doth in effect protest his real belief, or his very persuasion, that they are so.

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PRAY what is the meaning of our sub-scription to the first of these three articles about the King's supremacy, where it is neither said that we allow it, or acknowledge it? Doth not the very act of subscribing nevertheless imply as much? And something more, viz. that we allow and acknowledge it upon a judgment, reasonably, as we think, and impartially formed? We shall make the subscription, I fear, a very evasive and jesuitical business, if we suppose it can be made without a well-grounded conviction of the truth of what is subscribed *.

AND then, secondly, as to the phrase ex animo; though it may signify no more than readily, when applied to subscribing, consi-

The Church of England requires subscription not to words, but things.—Subscribers obliged to a serious belief of what they subscribe to, &c. See Case of Arian Subscription considered, p. 67.—And the whole third chapter there, viz. that the sense of the compilers and imposers, when known, is to be religiously observed. Ibid. 11, 12, 13, 14.

dered

The Rubbics and Canons of the dered merely as a voluntary act, as the figning of a deed or instrument, subscribing to fome charitable contribution, or the like; yet where it is confidered as an expression and teft of a man's fentiments and tenets, as it always is, when subscription is required to points of faith and doctrine, as a term of acceptance of trusts and privileges; there it is evidently declarative of the subscriber's opinion. And ex onimo, as joined with fubscribere, so far as they relate to the XXXIX Articles, are constructionally the same with *, or tantamount to ex animo comprobare et agnoscere, &c. which are the words to which the subscription is made. And then the phrase cannot be mistaken; and such words, in our language, as are most expressive of a ferious belief or conviction, as truly and forcerely allowing and acknowledging, will come more fully up to the meaning of the fubscription, than the word readily, notwithstanding it's literal correspondence with willingly, which goes just before it.

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AND then, thirdly, as to the last objection, that ex animo cannot be construed of opinion or perfusion, with respect to the promise of ministerial conformity; it is true,

dered

In the case of the Articles, every subscriber declares, ex anime, that they are agreeable to the word of God. In confequence of this, I do not fee how a man can subscribe them, who does not believe them, in every respect, true." Cafe of Subfeription to XXXIX Art. p. 45. with

CHURCH of ENGLAND confidered. 155 with regard to practice, it expresseth only readiness or resolution. But must it therefore be so limited, as to mean nothing more with respect to doctrines and speculative propositions? Why may it not have a two-fold afpect, according to the respective subjects to which it is applied, and fignify the fincerity of a subscriber's affent, with regard to doctrinal points; and the fincerity of his purpose, with regard to practical conformity? In short, lubens itself hath, in this place, the same double acceptation; and implies, so far as it relates to the doctrines, fuch a willing affent, as leaves no room to suspect difficulty, doubt, or besitation, in the mind of the subscriber. And the same may be said of any other word, which bath been substituted in the place of ex animo, in the English subscription, since the late act of Parliament to banish Latin phrases out of legal forms.

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FROM these observations, therefore, I gather, that neither bath Bishop Branet misrepresented the force and obligation of this subscription, neither are there any other ways to evade it, but what might equally serve to invalidate the other engagements we are under to declare our sentiments of the same matters, which are contained in these three articles.

I SHALL now proceed, in the next place, to consider the word Simoniacal * in the 40th

Canon:

IN. N. do swear, that I have made no Simuniacal payment, contract, or promise, directly or indirectly, by myself, or by any other, to my knowledge, or with my consent, &c.

156 The RUBRICS and CANONS of the

Canon; which, as I before observed, may feem to admit of some diversity of interpretation. And this arises chiefly from some distinctions, which have been made in Common Law since the statute against Simony in the 31st Eliz. Whereby the term Simoniacal becomes capable of being understood, either in a legal sense, as it respects only what is adjudged Simony in the temporal courts by virtue of the said act; or in a canonical sense, as it respects what was called Simony in the old Ecclesiastical Constitutions, or held for such in the notions of the Catholick Church.

Which of these senses the Oath is to be taken: or whether Simoniacal contract shall be interpreted by the definitions of Simony given by the Canonists, or according to the present construction of the common lawyers.

IT has been alledged for the former opinion, that the Oath was before the statute*, and should not therefore be limited to it, but ought to be interpreted by the Ecclesiastical Law, as received here, and which is yet in force in all cases where it is not contrary to statute. That in this case the statute + hath not abrogated the Ecclesiastical

other, to my know taken, or with my confere, Se.

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^{*} See Stilling fleet's Dife. of Bonds of Refig. p. 721.

[†] See ibid. p. 720. And Codes, p. 840. This aft is not privative of the jurisdiction of the Church or it's Constitutions, but accumulative. Wake's Visitation Charge, p. 40.

CHURCH of ENGLAND confidered. 157 Law about Simony, but rather comes in aid and support of it, by annexing some particular penalties to some more flagrant acts of Simony. That as in the statute the crime itself is neither defined, nor the bounds and nature of it determined *, we must have recourse for an interpretation to those Laws and Constitutions by which it is sufficiently set forth and characterized. The selection to selection

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On the other fide, we are told that the statute has defined what Simony is +, and that the old canonical notion of it is thereby superseded. That the Judges, who are the expositors of our Laws, have from time to time determined from this statute what contracts are Simoniacal, and what not. And therefore the Oath hath relation to the statute I bne cere at Michaily ar may determine with bonnen, at land

Stilling fleet's Difc. of Bonds of Refign. p. 720.

Simony, or Simoniacal Contract, not fo much as mentioned in the flature. *Ibid.* p. 721, 718. He is charged by Nel-fon (Rights, p. 571.) for faying this; but he must only mean that, although Simony be in the preamble to a clause in the statute, yet it is not in the enacting part. The same account is given by Bishop Gibson, of a like affertion of Noy's, that in the 31. Eliz. there is no sward of Simony. Cod. 839.

Nelson (Rights, p. 571.) " admits the Canon Law to " have been the rule for determining Simony before the make-" ing of this flatute; for it was then," fays he, " a mere " spiritual offence, of which the Common Law took no notice " in the abstracted notion and sense of the word."- "But " the word Simony is not only mentioned in the flatute, but " itis there explained what is meant by it, viz. that it is a " corruption in Presentations, Collations, and Donations, of and to

I And again, p. 579, having recited the oath against Simony, he adds immediately, " The

168 The RUBRICS and CANONS of the and ought to be limited by it, and by those

rules of judging about Simoniacal Contracts. which the interpreters of the temporal laws

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THERE had been no place or handle for these suggestions with respect to the Oath, if the form of it had been absolute, as I conceive it formerly was, against all payments, contracts, or promifes whatfoever . But as alet the other when we are south that the

"The late Bishop of Worcester was of opinion, that this "Oath bath no relation to the statute 31. Eliz. because it " was in being before that all was made; and therefore, that a Simoniacal Contract ought to be interpreted by the Ecclefiaftical Law. This deserves no other answer than what he hath given himself in another place, that, if the word Simony had been in the statute, the Judges might inter-" pret what it was. For they are the expanions of our laws, "And, fince it is plainly to be seen in that act, therefore the courts at Westminster may determine what Simony is, and " what contracts will amount to it."

* The accounts of the Oath given in our English Conflications are as follow. Cod. 845. Ann. 1138. - Juret le mibil propter hoc, vet per se vel per aliguam aliam personam, dediffe

alical vel promiffife.

An, 1222. In the Council of Onford the Oath is, Quod propter prælentationem illam nec promiferit nec dederit aliquid presentanti, nec aliquam propter hoc inierit pathionem.

An. 1236. In a Confliction of St Edmund, Prafentantis & profestati recipinus juramoutum quod nec promisso

nec pattio illicita intervenerit.

Ah. 1391. In Archbishop Courtney's Decree, the Oath preferibed is, quod net dederunt net promiferant, &c. net aliquem illicitum contractum factum vel promiffum funt forciti.

To the fame effect is the forms jurament: Ministerum in the Reformatio Legum Bio. VI. which is nearly the fame with that in our prefent Canon, fave that the word Simontani is not used therein.

From these observations Bishiop Gibson collects, that the prefent Oath is against all promises what soever; and that although these payments, contracts, and promises stand limited in the present form by the word simoniacal, and as the form is enjoined by a Canon made since the aforesaid statute against simony, an opportunity is given to lay hold on the presence abovementioned, that the payments, contracts, and promises, in the Oath, need not be constructed of any but such as come within the 31. Eliz.

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THERE is a rule laid down by the Civillians for the interpretation of all words, that are not of common usage, or vulgar cognizance, which is this, as given by Grotius*! In artium vicabilis, que papulus vix capit, adbibenda eric artis cujusque prudentam desinitie: ut quid sit majestas, quid parricidium, Esc. Now Simony is one of these technical words, or terms peculiar to some science or profession. And, if we enquire to which it properly belongs, it will claim it's place among the Ecclesiastical terms denoting spiritual

a person comes not within the flatute at. Eliz. yet he becomes guilty of patjusy, if he takes this Oath after may provide of what kind seever.

De jure Belli, &c. lib, 2. c. 16. fect. 3. He had before diffinguished between preprintes grammatica verborum,
que ex origine, & que popularie ex use. But Simony is
neither to be underflood in it's original proper grammatical
meaning, nor in any fixed or known acceptation that it has
in common language; and therefore must belong to the next
rule given above.

offences; and will demand it's interpretation from the Canonifts, or furif-prudentes in the spiritual courts, just as treason, and burglary, being crimes of civil cognizance, must receive their forensic interpretation from the temporal Judges, or furif-prudentes in West-minster-Hall. Upon this footing the standing definitions of Simony given by the Canonists are of better authority for it's true acceptation in the Oath, than any late occasional and partial descriptions of it made by induction from the wording of a particular statute law.

But whereas it is not denied but there is a fixed and determinate fense of it in the temporal courts, as well as in the spiritual, we must have recourse to another rule for ascertaining the sense of it in the Oath. And that is a settled rule among the Casuists, viz. that Oaths are always to be taken in the sense of the imposers +. Which in this case is so well

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Simonia est spiritualium vel spiritualibus annexorum, præcedente pacto promissionis, conditionis, modi, servitii, vel cujussibet temporalitatis, receptio seu donatio. Joh. de Athor.

known, that it will scarce admit of any doubt. For it is to be generally presumed that all they who administer the Oath at present, do intend it in the same Ecclesiasical sense which it hath always borne, unless they should declare otherwise, which they have never yet done. Or, if there should be any doubts about their sentiments, yet they may be easily known by the juror, if he pleases; and with such certainty too as to leave him under no difficulty as to their sense of the matter.

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LET us try, for example, how the Oath would run, if it was to be understood only of fuch Simoniacal contracts, as are called for in the temporal courts. I do swear that I bave made no promise or contract whatsoever, in such manner or form as shall render me or my patron liable to the penalties and forfeitures of the statute, against Simoniacal contracts, as that statute is now interpreted in the temporal courts! This is the whole amount of the Oath, if it be construed in the common law sense of Simoniacal. And any person who hath given bond of refignation at pleasure or upon notice, without special averment that the bond was for Simoniacal purposes, might lawfully and truly take the Oath thus worded. But would this answer the Canon, the delign of which (as appears from the Latin title) is avertere jurejurando suspicionem Simonia? or fatisfy the Ordinary, who is M to 162 The Rubrics and Canons of the

to certify de juramento Simoniaca pravitatis nullatenus commissa (I know not how they render this in institutions and collations now-a-days) I say would it not appear to defeat the chief and original design of the Oath, considered as an Ecclesiastical security against all clandestine and dishonourable stipulations * whatsoever, or howsoever made, which might either hurt the rights of the Clergy +, or be any ways inconsistent with that freedom and disinterest, which ought always to be used in giving and taking Church Benefices?

THERE are what have been called, by way distinction, conventional Simonies and considential Simonies I, to which the Oath extends, though the statute does not; and it seems one of the principal intentions of the Oath to try, and detect, and prevent, by way of purgation, all those little private, evalve, and collusive ways of practising corruptly for presentations, which no law can remedy for want of legal proof.

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Contracts have been judged fimoniacal, quacunque factione, sufficiente, promissione fen commoditate, Sc. See Cod. p. 844. According to Canon Law.

A See Rithop Stilling fleer's Difc. of Bonds of Refignation,

p. 722.

1 Mental Simony, which is defined voluntar five defidirism emends vel quadratic frictualitie, wel frictualities adherential reacheth not to the Oath, and so is out of the present question. Still. thin, 721. Nelson's Rights, 571. But confidential Simony

CHURCH of ENGLAND confidered. 163 TAKE the Oath then in this light as absolute, and reaching to all illicit cases whatfoever, and onerating the confcience in fuch points as are no ways affected by the statute, it will feem highly unreasonable to transfer the notion of Simoniacal from the statute to the Oath; and to expound the term where it stands (and is understood by the imposers of it to stand) general and unlimited, by a particular and restrained use of it adapted purely to the construction of a fingle penal law.

THE mention I just now made of the Oath, confidered as a purgation, brings to mind a query put by the author of the Combleat Incumbent *, whether fince the prohibition of the Oath ex officio, and other purgation Oaths in criminal matters by the statute, 13 Car. II. c. 12. the Oath against Simony may or ought to be administered in Total traditional discharge

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AND I must own the clause referred to in this act feems much stronger against the use

of They aybdy mould allow position to be Undaybe. n is where a person, taking a benefice only in trust, enters into a bond of obligation to refign. See Still. ibid. 736. And

M 2

Melfon's Rights, p. 132.

Having recited the Oath at length, p. 108, he adds, "But, as the Law now stands, I conceive the Ordinary ought not, and may not, tender or administer the faid, or "the like Oath, by reason that it hath been enacted," &c.

After the clause in the act, he goes on, " and yet probably, although the words of this statute seem to take away the use of the aforesaid Oath, it's makers had no "consideration of it in passing thereof; therefore quare," compleat Incumbent, p. 109.

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of the Oath itself, than any thing in the 21st of Eliz. is against the old acceptation of the the word Simoniacal. Dr Watson is willing to folve the matter, by supposing that the Legislature, in passing this clause, had no intention to abolish the Oath required in this Canon. The like has been observed, and has been pleaded, that the Legislature in the 31st Eliz. * had no consideration or design in passing thereof to deprive the Church of it's jurisdiction, or to change the idea of Simony. These observations are of such equal weight, that I think the quere may be indifferently put upon either case. But as the Ordinaries have never yet flackened their hands in the tender of the Oath, on account of the act prohibiting purgation Oaths; which shews their fentiment that the Oath against Simony is not within that act; so neither doth it appear that they have departed from the Ecclefiastical and received sense of Simoniacal contract on account of the 31st. Eliz.+

"There is in this very flatute a special saving to the Ecclesiafical Jurisdistion." Gibson's Cod. 840. "It leaves " the Church all the authority it had before.

And

^{* &}quot;They who would allow nothing to be Simony but "what is there forbidden, must first prove that it was the in-" tention of the law to limit and determine the nature of Si-" mony." Still. Difc. upon Bonds of Refig. p. 718. and

^{* &}quot;So long as our Superiors continue the fame forms, which clearly express such a sense, they must be presumed to intend the same sense, till they declare otherwise, &c."

Waterland's Case of Arian Subscription considered, p. 44.

And Wake's Vifitation Charge, p. 40.

CHURCH of ENGLAND considered. 165
And the Clergy to whom it is tendered have just as good a plea not to take it at all, as not take it in the fense in which it is commonly understood by those who tender it. And, if their sense be a good and safe rule to guide ourselves by, it will bring this point to an easy and speedy decision. Which is, that Simony, quatenus vox Ecclesiastica (as even some of the Judges in Westminster have called it *) and as the subject of a Canonical Oath, must stand upon it's old basis of Canon Law definitions.

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I Do not mean hereby that it should be extended, in the Oath, to whatever hath been heretofore reputed Simony by every rigorous interpreter of the Canon Law. So much use may be made of the infertion of the word Simoniacale in the Oath, that every promise or contract fimply confidered is not defigned to be abjured, but only every species of turpis commercii +, & illicità pactionis. For I imagine the Oath may be fafely taken by all those who cannot charge themselves with any finister or corrupt intention, though they may enter into fome stipulations and covenants, which are no where forbidden by any Ecclefiastical Constitutions received within this Realm. Thus a promife to refign for

be doubted in any order, where the truck is

^{*} Nelson's Rights, p. 571.
† Ib. 570. Still. Disc. upon Bonds, & ... Quilibet contractus ex turpi causa, Nelson, ibid. 571.

the use of a minor, or any other person at present disqualified for a presentation *, or a promise to resign upon taking another benefice, or upon non-residence, can have no hurt in them; and though they be the means perhaps of procuring a benefice, or at least be a necessary condition of obtaining it, yet have no more of the Simoniacal obliquity or pravity, than the promising to do one's duty would have, if it were insisted upon, by the patron from the Clerk.

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WHATEVER weight therefore some may have laid upon the idea of bargain and contract, even in unblameable stipulations, yet while men act with truth and honour, without infringment of any known laws, now in in force within this Realm, or without prejudice either to publick or private interests, it is trifling to stick upon words and distinctions.

tions.

INDEED, where these promises that I have just now mentioned come to be engagements secured by pecuniary mulcis, as giving a bond to resign for a minor, or upon acceptance

corenants, which are no where forbidden by

Bithop Stilling flat himself allows, upon putting the case of a minor, that there mey be a lowful truste p. 736. And, if no question is to be made of it in this case, neither should it be doubted in any other, where the trust is equally unexceptionable.

[†] Mr Nelfon, under the article of Bonds of Refignation, fays, "The Bishop of Worcester himself who argues against the validity of such bonds, allows that there may be a lawful

CHURCH of ENGLAND confidered. 167 ceptance of another living, &c. The cafe then is not the fame. The nature of the fecurity is changed. It is no longer a trustbut a bargain. A covenant backed with a certain forfeiture argues a mistrust. A bond, be the condition of it never to lawful, cannot be given fine pretii interventu. For the plain English of it is, Resign or pay; you shall quit, or you shall purchase. And this is the difjunctive that lies fo heavy on the Clerk; who, as he cannot be fure that his refignation shall be accepted by the Ordinary, cannot in confequence be fure but his bond may be fued out against him *. He may defign, but cannot warrant the discharge of his covenant; considered as a trust; but he nevertheless binds himself fast to the discharge of dient on admiranting its agree in the fam.

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"enters into a bond to refign, then he calls it confidential Si"mory." He adds, "I wish he had told us that since there
"can be fuch a trust, what legal obligation there could be to
"to compel the performance of it, when the minor comes of
"age. And how that trust shall be exceuted, if the parson
"shall refuse to resign." Whereas it is a lawful trust in this
case, on this very account, that there is no legal but only constitution abligation to tellin. And, if the Parson refuse, he
breaks his word, and deceives his patron. And must salved
to God for violating his faith.

esserie leafe of Signatured; and all collection,

"A benefice with care cannot be woid by the fole act of one party, by refignation, without the acceptance of the Bilton; because he is to give actice to the patron, that he may present again. But, if he refuse to actest it, then naturable and the resignation the incumbent carrieurs fo field."

Nelfon's Rights, p. 1344. And it is for this reason taxes in advice to Bishops, in order to put a check upon the M 4

it in that other way which necessarily carries the construction of Simony, by subjecting himself to a pecuniary payment, which yet by the tenor of his Oath he is bound ne-

ver to fatisfy.

I CANNOT fay indeed where a Bishop is privy and consenting to the grant of such bond, in some special case, as that of a minor, but the presentee's part is the less blameable. For the Bishop's allowance (suppoling fuch a case) not only implies that he will accept the refignation, when tendered, but is a reasonable security that his successor for the same special reasons will do so too. I say on this supposition I would not charge the presentee with any criminal usage of the Oath: for both he in taking it, and the Ordinary in administring it, agree in the same precise sense of Simoniacal; and all collusion, all corruption, is by both equally intended to be abjured. And I believe fome who have been the most strenuous opposers of bonds of refignation, have been willing to admit of fome exceptions under the reftrictions I have been speaking of.

BUT wherever the bond is clandestine between Patron and Clerk, where it is ftu-

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granting of such bonds of refignation as prove a scandal to the Church, "that they would refuse to admit or accept any "resignations, (without which the incumbent cannot void the benefice in that way) but after the firstless enquiry and "fulless satisfaction concerning the motives and reason upon which they were made." Cod. 843:

CHURCH of ENGLAND considered. 169 diously concealed from the Ordinary, the Oath will be very hard to be digested. And more especially in all cases of general bonds to resign upon due notice; for what is the reason that these are thus concealed, but only because they will not stand the Ordinary's examination and censure; nor the test of the Oath, when he who is to tender it is previously apprized of the secret of the business?

The stand of what I have been saying in this, that however consistent it may be with the statute against Simony to give bonds of

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this, that however confilent it may be with the statute against Simony to give bonds of refignation in fome cases; and however colourable the pretence be of interpreting Simoniacal in the Oath by it's statutable construction; yet, unless both the practice and the confinuction were generally allowed by those to whom the Oath is taken, they will not be sufficient to falve the juror. The presentee therefore must have regard to the Ordinary's meaning, as well as to his own; and he has no more right to claim the Ordinary's concurrent sense of the Oath to justify his own, than he has to command his acceptance of the refignation to fave his forfeiture. And therefore he ought not to presume upon either of them arbitrarily. And where the fact is not explained, (as in the grant of general bonds, I fear, it never is) the Oath is always to be prefumed to run in the canonical construction of Simony. Therefore he who grants a bond upon one construction

170 The RUBBICS and Canans of the of what is or is not Simony, and then takes an Oath calculated upon another construction of what is or is not Simony, does not only deceive his Ordinary by an artful and fraudulent use of an ambiguous term, but he really proftitutes the folemnity and religion of an Oath. And without enquiring whether his private contract with, or bond to, his patron be strictly Simoniacal or not, yet I think he cannot escape the imputation of Semoniacally * prevaricating with the Ordinary, that is to fay, there is iniquity in such a case in taking the Oath, whether there was any in making the bargain or no. And I believe even the common lawyers who will defend the one, will highly blame the other falou ity ; nor

Ir doth not fall within the compais of my defign to confider the case of bonds of refignation in any other light than with retherefore must have regurd to the Orthan's

p. 12.

† Welfon's Rights, p. 134. The Oath is a matter tobich
be will not controvers. And he had good reason to let it alone.

spect

I mean the word here only as expressing a corrupt intention, and a disingeneous proceeding in order to got possession of a benefice. Dr Waterland has put the same thing in a freelig light with respect to Subscriptions:— "To change projections," says he, "while we are plighting our faith to them, for others, is manifestly a breach of covenant and prevariesting with God and man. It is pretending one thing, and meaning another. It is protessing within the Church, and at the same dispersing with it. It is considered ing into trusts or privileges upon quite different terms from what the Church intended. And is, as one expresses it its not entering in by the door of the sheepfald, but getting over it as this are and rabbers." Case of Anises Subscrip.

CHURCH of ENGLAND confidered. 171 spect to the Oath enjoined in the 40th Canon. Otherwise much might be faid of their evil tendency and hurtful consequences *, as they are means of betraying the legal rights of the Clergy, and altering the nature of the tenure of Church benefices. But I shall remit you for these points to Bithop Gibson's notes in the chapter of his Codex intitled Simoniacal Prefentation, and to a difcourse professedly wrote upon the subject of refignation bonds by Bishop Stilling fleet. And if you would have the fentiments and judgment of the English Clergy, synodically given, and more largely and expressly than in the Canon I have been speaking to, please to peruse that admirable clause upon this fubject, which is at the head of the chapter, intitled Patroni & Proprietarii in the Canons of 1571 +.

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+ The faid clause taken out of Sparrow's Collection is as follows:

Episcopue graviter & studiose cohortabitur patronos beneficiorum, ut cogitent necessitates Ecclesiæ, & ante oculos habeant ultimum illum diem, & judicium & tribunal Dei : itaque ut neminem promoveant ad munus ecclesiasticum, nisi qui doctrina, judicio, pietate, probitate vitæ & innocentia possit

The Author of the Compleat Incumbent makes this just observation: "The judgments" (in Common Law) "that to take and give a bond to refign is not Simony, have cocasioned many corrupt patrons to exact such bonds of their Clerks, only that they might thereby make sure (as they think) to themselves a recompence for their presentments. And some inconsiderate Clerks, that have given such bonds, have been emboldened thereby to take the Oath against Simony, to the utter frustrating that most religious that against such corruptions." P. 24.

possit onus tam grave suftinere, ut nihil in ea re nisi integre, incorrupte, & fincere faciant. Se enim ufurum omnibus honestis & legitimis rationibus ut verum possit invenire. Quod si vel in ipsa præsentatione, vel etiam postes senserit corruptelam ullam aut fimoniacum commercium, quocunque modo, quantumvis obscure, vel directe vel indirecte, vel per ipfum, vel per alies interceffiffe, ut ad ipfum, vel pecunià, vel pretium, vel commoditas aliqua, vel pars aliqua fructuum perveniret, velle se facti nequitiam & Symoniam publicare & palam facere, non tantum in Cathedrali Ecclefia, sed etiam alibi ad illius probrum & dedecus fempiternum. Et presbyterum quem ita nequiter præsentaverit, non tantum a sacerdo-tio, in quod mala fide ingressus sit, sed etiam ab omni ministerio, & a totà diecesi removere. circumant boxes of throp stilling letting had

entitle the mental pelocit bloom of the of at of the Reville, Clongra timedically ctthe and william based on forom bus and Quen I have been speaking to reducte . o perufe that admirable relatify upor this bjod, which is at the hond of the chapter, field Parrow & Protesidania in the Gandas armount in any other jugar than + archive

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Visitation Charge Anno 1744. por interest of the second of

DISCOURSE IX. works from Shotors to Thereb activished and

Upon the Canons relating to Preachers and Preaching Licences.

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TOU know the subject I have engaged to speak to on these occasions so well. that what I have now to fay will neither need apology nor preamble. I ended the last time with the 40th Canon, and shall now begin at the 45th (the four intermediate Canons relating to Bishops, Deans, and Prebendaries, and consequently not within the compais of my delign). And here we have a fett of Canons down to the 55th nearly allied to each other, and which concern the parochial Clergy, as appears from their titles * and contents; and yet there is some-

Fre y and long below any ar-

Thefe are Can. 45, 46, 47, which begin with Eding brueficed man. And 49, 50, 52, 53, 54, concerning Preachers, and their Licences. The 48th Canon respects the Billion; and the 51ft Deans and Presidents in Cathedral and every beneaced Minnite insight, by combusting

274 The Rubrics and Canons of the thing in both fo little confonant to our prefent usages, that we do not feem to have any concern with them. They Ipeak of beneficed men who are not allowed to preach, or even to expound the Scriptures in their own Churches, and of Preachers who are not beneficed men, but licenced on purpose to exercise their talent in other men's cures. Now thefe, and other particulars of the like nature which are the fubject of this fett of Canons now coming under our confideration, must appear very strange, if compared with our present practice. There is no reconciling them together, or indeed justifying ourselves without first looking back into the state and customs of those times in which the Canons were published. Nor are even those Customs to be rightly understood, without going still farther back into the history of our Church, to enquire into the reasons upon which they were grounded. This may be thought per-haps an enquiry as dry as it is uncommon. Yet I conceive the use it will have in throwing light upon our present subject, will make you such amends for it, that I presume upon your indulging me in it.

ANCIENTLY and long before any attempts were made towards a Reformation here in England, the mission and the licenting of Preachers was wholly regulated by the Canon Law. And, according to that, every beneficed Minister might, by common right,

Church of ENGLAND confidered. 175
right*, preach the word of God within his
own cure: but out of his cure he could not,
unless he were licensed by the Bishop +, or
authorized by special privilege, as were some
of the monastick orders ±.

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AND this was the old way which continued to the close of the XIIth century. But foon after, in the pontificate of Innocent III, arose the Preaching Orders ||, as they were called, that is to say, Ordo Pradicatorum from St Dominique, and Ordo Fratrum Minorum from St Francis. These were sent over into England & by the Pope with authority to preach in all places even ** in the streets; and this

one was the first of the court opening or force

OPPRESENT,

See Lymusod Ox. Ed. 1679. p. 289. upon Arundel's Conflitution de Hæreticis & Schismaticis, under the notes authorizatus est; and Curatum perpetuum, &cc.

außorizatus est; and Curatum perpetuum, &c.

† Licentiam prædicandi — Papa potest ubique generaliter
concedere, & quilibet Episcopus per suam Dicecesin. Bid.

¹ Potes ponere exemplum de Fratribus Augustinensibus & Carmelitis, qui non censentur circa prædicationem eodem jure cum Prædicatoribus & Minoribus, nisi super hac habeant Privilegiam speciale. Ibid.

Privilegium speciale. Ibid.

| Juvere hujus Pontificis virturem & doctrinam beati Dominici, unde Pradicatorum, & Francisci Assistantias Sancticas unde Minorum Ordo tunc originem habuit. Platina in vital luncent. IH.

[§] Missi etiam eodem tempore ad perturbandum R. P. Angl. jam vacillantis statum a Papa Innocencio inaudite fraudis & malitie homines qui Minores fratres vel Predicatores dicebantur. Parkeri Ansig. in Pisa Langton. p. 236. Ed. Drate.

** Ot dictorum ordinum statres in Ecclesiis & socis eorum

at in plateis communibus libere valeant Clero & populo pradicare. Clem. Conft. lib. 3. de Sepulruris. Dudum. Corp. Can.
Vol. jii. 187.

this power thus granted to them, extensive and grievous as it was, being afterwards confirmed * by a Constitution of Clement V. was

firmed * by a Constitution of Clement V, was construed as a privilege established by the

Canon Law +.

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AND upon this footing stood Preaching here in England for 200 years, agreeably to the then generally received Constitutions of the Church, without any national provisions concerning it, either from the Civil or Ecclefiastical powers at home. But, in the Reign of Hen. IV, we find the state thought sit to take some cognizance of this matter. For, in the samous act de Hæretico comburendo ‡, it is enacted, that none within the realm should presume to preach openly or privately, without the licence of the Diocesan sirst

Diebus festis populo semper prædicabant, quod quia ab Episcopis, Monachatu, & reliquo tum Clero sactitatum non erat, odium summum ab eis creatum illis suit. Parker Ant. ihid. — In Comiterio vel plateis publicis prout conces-

fum est fratribus. Lynew. p. 288.

But this confirmation was with some proper limitations, i. e. Horâ illâ exceptă in quâ locorum Pralati praedicare voluerint, praedicare cessabunt. In Ecclesis autem parochialibus fratres illi nullatenus audeant vel debeant praedicare, nist a parochialibus sacerdotibus invitati fuerint vel Episcopus per eosdem fratres praedicari mandaret. Clem.

Confi. Lib. 3. de Sepulturis at Jupra. Vol. sii. p. 187.

† That is, according to Lynwood, This privilege being by this Conflictation made a part of the Canon Law, and incorporated with it, was afterwards judged to be enjoyed jura communi, as diffinguished from the special privileges of some other Monasticks.

1 This was about 1400. See the flatutes at large. And Bilhop Gibson's Codex, p. 374.

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CHURCH of ENGLAND confidered. 177 obtained, Curates in their own Churches and and persons bitherto privileged and other of the Canon Law granted only excepted. And to the same effect is the Constitution of * Thomas Arundell eight years afterwards, intitled de Hæreticis & Schismaticis; viz. that no Regular or Secular, unless authorized by Law, or warranted by special privilege, should preach without having first obtained the Bishop's licence. And that flipendiary Curates, who had neither title to the parish nor special licence from the Bishop, should be confined in their discourses to the matter and method mentioned in the Constitution Ignorantia Sacerdo-

AND thus flood the laws and rules about preaching when Lynwood wrote his Provincial, and to the end of the XVth century. Nor do I meet with any account of alterations made therein, excepting that about 1 500 Pope Alexander VI granted a power to the Chancellor t of Cambridge to license twelve Preachers

Lynwood's Provincial, p. 288. and Codex, ibid. and Collier's Ecclefiaftical History, Vol. I. p. 625.

Both the Act of Parliament and this Provincial Constitution were in confirmation of the Canon Law, and with delign to

enforce it the stronger.

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† John Fifter, Bishop of Rochester. This was in 1504, as appears by the recital of this grant in a licence of Bishop N Fifber's

⁺ This Confitution is Perham's, made 1281. Lynwood begins his Provincial with it. It is quoted by Collier, Vol. I. p. 480, as an infrance that the Bishops were not so negligent in those days in the discharge of their office as they have been fometimes represented.

Preachers yearly for these realms. Which I mention, as it was the foundation of that privilege enjoyed by the universities. For though it was foon taken from them at the Reformation which presently succeeded, and shared in the same fate with all the other acts of the papal supremacy, yet it was re-stored by Q. Eliz. in the third year of her reign *, and hath been from that time allowed, and acknowledged not only in our Canons but in the flatute Laws.

I COME now, then, to enquire into the new regulations that were made upon the Reformation in this point of preaching, and licenfing thereunto. And indeed there was nothing of greater consequence to be looked to than this was, upon shaking off the yoke of the see of Rome. But as it will be to little purpose to recite the steps that were taken herein by Hen. VIII. and Edw. VI+,

because,

Fisher's, 1522: viz. Authoritate Papæ Alexandri Sexti apud S. Petrum 610 nonas Maii Pontificatûs fui anno undecimo eligendi fingulis annis duodecim Doctores, Magistros, Se Graduatos, Se. Strype, Vit. Parker. p. 193. and App.

N. 35.

The University of Cambridge had fued in vain for a refloration of this privilege in the reign of Edward VI. See
the clause of privilege which was offered to the King, but
not obtained, in Strype's App. to the life of Parker, N. 37.

See there likewise Queen Eliz. her grant to the University

28. And the form of a licence

for heening Preachers, N. 38. And the form of a licence from the Vice-Chancellor by virtue of the faid grant in 1563, N. 36.

† They were briefly these, as far as I can collect them.

Filler s.

CHURCH of ENGLAND confidered. 179 because, all that had been done by them being rescinded and annulled by Queen Mary, the

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In 1533 Archbishop Cranmer forbid all preaching in his diocele, and warned the rest of the Bishops throughout his province to do the same, till proper orders for preachers could be prepared. The supposed reason why preaching was thus restrained is, because the matter of sermons did now too much consist in canvassing the King's marriage with Anne Belen. Strype Vit. Cranmer. p. 21.

In 1534 the order for Preachers was finished and delivered in both provinces. In which Preachers and Curates are diffinguished. *Ibid.* p. 25. Also Strype's Mem. Vol. I. p. 169.

In 1538 among the King's Instructions fent to all the Bishops, one was that no Parlons, Vicars, &c., should preach out of their own churches. Strype's Mem. Vol I. p. 303.

In 1547 the first Homilies were prepared for the use of Curates and unpreaching Ministers. Strype, Vit. Grammer. p.

In the same year 1547, came forth King Edward's Injunctions, among which it is ordered, that there should be one fermon every quarter in every church at least; and Homilies read by Non-Preachers every Sunday. That Deans, Archdeacons, and Prebendaries, should preach twice a year at least in the churches belonging to their Dignities; and that the power of licensing Preachers should be only in the King, the Lord Profector, the two Archbishops within their provinces, and the several Bishops within their diocess. See Sparrow's Collection.

In 1548 the power of granting Licences was taken from all the Bishops, save only the Archbishop of Canterbury. So that the Bishops could not authorize preaching in their own dioceses, nor even preach — therein themselves without licence. And accordingly they took out preaching licences. To offend against this order, which was given by proclamation, was imprisonment. Surppe's Mem. Vol. II. p. 90.

Preachers thus licensed fill missehaving, and not observing the instructions given them, all preaching was, within sive months after, suspended, or prohibited throughout the realm, till the new Service-Book, which was now preparing, was published by authority. This was done by proclamation Sept. 23, 1548. Strype's Mem. Vol. II. 118.

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the same steps were to be taken de novo, and with improvements, as occasion served; and as what was done by Queen Elizabeth, in pursuance thereof, is the true soundation of our present Canons, so far as they respect this article; I shall therefore omit what passed in the three former reigns, and confine myself to the regulations made concerning Preachers, from the accession of Queen Elizabeth to the publication of our present Canons.

THE first step that was taken, and in the very beginning of her reign, may seem, at this time, a very extraordinary one; viz. to prohibit all preaching whatsoever, by virtue of her supremacy, which was done by proclamation. But, as this prohibition * was to last no longer than till a proper regulation of Preachers could be settled, so there were

In 1550 it was ordered, that none should have any of the crown preferments, but who preached before the King in, or out of, Lent; and that a sermon should be made at court every Sunday. Ibid. p. 214.

every Sunday. Ibid. p. 214.

In 1551 orders were fent to all the Bishops, and, through them, to all the Preachers within their dioceses, to preach particularly against the sin of coverousness. 280.

In 1553, the last year of this reign, all Preachers were required to subscribe the Articles of Religion framed in 1552.

Ibid. 420.

By proclamation from Queen Mary, Aug. 18, 1553, all preaching was again forbid; Strype's Mem. Vol. III. p. 26.

This was the third time preaching had been prohibited within

the compais of 20 years.

In the city of London, nothing was allowed in the churches but the Epiftle and Gospel for the day, and the ten Commandmants in the vulgar tongue, but without any addition or comment subatforwer. Strype's Ann. Eliz. I. 41.

better

Church of ENGLAND considered. 181 better reasons for it, as things then stood, than one would be apt, at first sight, to conceive. For one half of the beneficed Clergy would have contended for the Mass-book and the old customs lately restored by Queen Mary; while those, who were eager for a Reformation, and were withal exasperated at the late violent proceedings, would have run all their lengths at once; which must, of necessity, create public opposition and disorder, and could end in nothing, humanly speaking, but the greater distraction of the people.

THE next step was to introduce, with special licence, some of the reformed Preachers*, while the Papalins were still held to the inhibition of the proclamation. And great caution was used in the choice of men, to whom this privilege should be granted. None were intrusted with it, but such as were most unexceptionable for their learning,

temper, and good life.

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THE new regulation, that was fixed upon, came out in the latter end of the year, under the title of the Queen's Injunctions, which you have in *Sparrow*'s Collection; in which the following particulars, relating to Preachers, and which are yet retained in our Canons, were enjoined:—That all Parsons and Vicars, that were licensed specially thereun-

3 to,

And these only at the Queen's chapel and at St Paul's cross, on some more eminent occasions. Ibid. 135.

to, should preach one sermon, in their respective churches, every month in the year; and such as were not licensed, should procure * a monthly sermon and read homilies themselves, on all the other Sundays when there was no Preacher. Also, that they should admit no man to preach within their cures, but who should appear sufficiently licensed, either by the Queen's Majesty, or the Archbishops, in either of their Provinces, or by the Bishop of the Diocese, or by the Queen's Visitors +.

Bur

That this is the meaning of the third Item of the Injunctions, though no more is there expressed, than that they shall preach in their churches one sermon every month, appears, first, from the third Item of King Edward's Injunctions; where it is said, they shall make, or cause to be made, one sermon, &c. The rest is word for word the same, save only that, by the King's Injunctions, this sermon upon works of Faith and charity was to be made every quarter of the year, instead of every month.

Secondly, From the fourth Item of the Queen's Injunctions immediately following, in which they are required, if licensed, to preach in their own persons every quarter, or else to read Homilies. This preaching in their own persons shows that, in the foregoing Item, they may be allowed to do

it by a substitute.

As the Clergy were enjoined not to admit any but who were thus licenfed, fo neither might they refuse to admit any that were authorized in this manner. They were to be received without resistance or contradiction; and, by the Articles of Visitation in King Edward's time, inquiry was ordered to be made after those Parsons that denied their pulpits to the Preachers; though it is against the Canon Law to obtude Teachers upon them in their own churches.

At the end of the eighth Item of these Injunctions, it is said, that none shall be suffered to preach out of his own enre, or parish, except be be siconsed; by which it may seem as if

Church of ENGLAND confidered. 183

But with how very sparing a hand these licences were at first grasted, will appear from hence, that, in the very following year, viz. 1560, when it was thought necessary to send Preachers, duly authorized, into some dioceses where the sees were yet vacant, two or three were all they could allow for the large diocese of York, two only for this diocese of Durbam, and as many for that of Winchester *.

AND, notwithstanding all these precautions, such was yet their jealousy of those who were thus intrusted, that we find, within five years more +, not only the licences that had been granted by the Queen's Vi-

every Minister, though unlicensed, might preach within his even paris. But, if this Item be compared with the fourth above, it cannot, to be made consistent with it, admit of this construction. The sense and effect of these three Items, viz. the third, fourth, and eighth, considered together, is taken in our present Canons.

* Strype in with Parker. p. 86.

+ Before this, wiz. in 1563, we find an order published by Archbishop Parker about preaching, along with the advertisements about marriage, and commonly printed along with them in the table of marriage; viz. that no Parson, Vicar, or Curate, do preach, treat, or expound, of his own voluntary invention, any matter of controversy in the Scriptures, if he be under the degree of a Master of Arts, except he be licensed by his Ordinary thereunto; but only, for the instruction of the people, read the Homilies already set forth, &c. By this it seems as if, for want of Preachers, Masters of Arts were tolerated in their sermons without having special licence, notwithstanding the Queen's late Injunctions. It is hard, on any supposition, to reconcile this advertisement with the former regulations.

N 4

fitors,

fitors *, but all those that had been given by the Archbishop and Bishops of the Province of Canterbury, were called in +, with design to re-examine the qualifications of those who had them, and to grant new ones to such

only as should be approved.

ABOUT seven years after, this matter of preaching was considered in a more regular and synodical way; and all the licences were again called in and made void, as may be seen in the chapter, intitled Concionatores, in the Canons of 1571‡. There the regulation stands thus ||: That none should preach even in his own parish, without the permission of his Bishop. That none should preach out of his parish, without a faculty either from the Bishop for preaching throughout his Diocese, or from an Archbishop through-

These were called in first. A resolution was taken for

also Strype's Life of Parker, p. 189.

† Nulla potestas concionandi firma erit imposterum aut authoritatem aliquam obtinebit, nisi tantum que impetrata suerit post ultimum diem Aprilis, qui fuit in anno 1571. Spar-

row, Coll. p. 238.

Nemo nisi ab episcopo permissus in parochia sua publice prædicabit, nec posshac audebit concionari extra ministerium & ecclesiam suam, nisi potestatem ita concionandi acceperit, vel a regia majestate per omnes regni partes, vel ab archiepiscopo per provinciam, vel ab episcopo per diœcesin. Ibid.

doing so as early as 1561. Strype, vita Parker. p. 92.

† These were called in, in the latter end of 1564, or the beginning of 1565. Pursuant to certain articles published in 1564, (see Sparrew's Collection) of which the fourth Item is, that all licences for preaching, granted out by the Archbishop and Bishops within the Province of Canterbury, bearing date before the 1st of March 1564, be void and of none effect. See also Strype's Life of Parker, p. 189.

CHURCH of ENGLAND considered. 185 out his Province, or from the Crown throughout the Realm. In the same year, it was enacted, by the Parliament *, that none should hereafter be admitted to any benefice with cure, of, or above, the value of £ 30 yearly in the Queen's books, unless he should then be a Bachelor of Divinity, or Preacher lawfully allowed by some Bishop, or by one of the Universities. Which statute is in sorce, and is observed to this day +, whatever liberties have been taken with the Canons.

And from this time no alteration was made, that I can learn, in all that reign, in this business of preaching and licensing; though a further privilege was annexed to these licences, in the year 1584, among the Constitutions; intitled Articuli pro Clero; by which no person could hold two benefices, unless he were a publick and sufficient Preacher licensed. Which Constitution was retained

13. Eliz. cap. 12. Reformation of disorders in the Mi

niflers of the Church.

† Because it follows, in the said act, that all admissions to benefices, institutions, and inductions, to be made of any person contrary to the form or any provision of the said act; and all tolerations, dispensations, qualifications, and licences whatsoever, to be made to the contrary thereof, should be merely void in law as if they never were.

† Under the title, De beneficiorum pluralitate cohibendâ.

Sparrow's Coll. p. 196.

The words of the Constitution are, Publicus ac idoneus verbi divini concionator. And so they are in the repetition of this Constitution in 1597. Ibid. 247. And so they are likewise in the present Latin Canons, viz. in Can. 41. Ibid. 289.

186 The RUBRICS and CANONS of the tained, word for word, among the Capitula,

or Canons, of 1597. And again, fix years after, inferted almost word for word in our

present body of Canons.

Now, after having historically deduced the discipline of the English Reformers in this point, we shall be the better able to judge of those Canons which are now under consideration; for, indeed, they are altogether formed upon the tules that were enjoined, at different times, in the reign of Queen Elizabeth. There is an emin and mine 2 "

As, first, that every beneficed man, allowed to be a Preacher, shall preach every Sunday either in his own church *, or in fome other where no allowed Preacher is. Can. 451

SECONDLY, That every beneficed man, not allowed to be a Preacher, should procure a Preacher, lawfully licenfed, once in every

But as these words, publicus ac idoneus concionator, are made Budlys in the 41st Canon, by this expression, a publick and fufficient preacher licensed; I think the same words, in the two former Constitutions, ought to be rendered and understood in the fame manner.

* Queen's Injunctions 1839, fourth Item. A fermon, or an Homily, every Sunday at the heaft; but no Homily, if there were a Preacher licented. Sparrow, p. 68.

Indeed it was more needflary, in those times, when the Preachers were few, that they should preach every Sunday, either in their own Churches, or in other parishes, than it was afterwards. But, even in 1603, there were fo many nor allowed to preach, as gave room for the employment of Preachers every Sunday in some parish or other.

month,

CHURCH of ENGLAND confidered. 187 month *, and, on other Sundays, should read

an homily +. Can. 46.

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THIRDLY, That every beneficed man. though he be a Preacher, shall, in case of non-residence, provide a Curate that is licenfed to preach; and, if he hath two livings, shall maintain such a Curate on that where he doth not refide 1. Can. 47.

FOURTHLY

Queen's Injunctions 1559, third Item. Sparrow, 67. That they, the Parsons above rehearsed, shall preach (or cause to be preached, see this interpretation proved in a note above) in their churches, and every other cure they have, one fermon every month of the year at the least, &c.

+ Ibid. item fourth and twenty-leventh, p. 76.

Articles 1964. That no Parfon or Curate, not admitted by the Bishop of the Diocese to preach, do expound, in his own cure or elsewhere, any Scripture, or matter of doctrine, or by way of exhortation, but only study to read gravely and aptly, without any gloffing of the same, or any additions, the Homilies already fet out, p. 124.

Protestations to be made by all ministers at admission, P. 127. - Imprimis, I shall not preach or publickly interpret, but only read that which is appointed by publick authority,

without special licence of the Bishop under his seal.

Can. 1571. Omnibus dominicis, &c. fi tempore facræ communionis nulla erit concio, de scripto & e pulpito pronunciabunt unam aliquam aut aliam ex illis homiliis, quas jam antea publicavimus in illum usum. P. 233.

1 Articuli pro Clero, p. 196; & Capitula, p. 247. De-

nique quod idoneum curatum habeat, qui plebem ejus parceciæ

in qua non residebit, instituat ac informet.

In the recital and confirmation of this Constitution, in the forty-first Canon of 1603, idoneum curatum is expressed by concionatorem rite approbatum. And this is again interpreted, in the forty-feventh Canon, by curatum legitimum, that is, says the English Canon, a Preacher licensed; and curatum qui concionator fit idoneus & sufficienti authoritate approbatus; that is, according to the English version, a Curate that is a sufficient and licensed Preacher. This is not, therefore, so Sufficient and licensed Preacher.

FOURTHLY, That no person, who is not an allowed Preacher, shall take upon him to expound either Scripture or matter of doctrine within, or without, his own cure, but shall read homilies only *. Can. 49. Which, though it was intended to prevent preaching under the notion of lectures and expositions, yet is not to be understood to exclude private advice and admonitions; for these not only may, but ought constantly to be given by the Non-preachers according to the Canons of 1571 †.

FIFTHLY, That no beneficed man, or his Curate, shall suffer any person to preach in his church, who doth not at first produce his licence, and shew his legal authority for

fo doing ‡. Can. 50.

SIXTHLY,

much an improvement upon the old Constitution, as it is a further explanation, as well as reinforcement, of it. See the like remark above upon publicus & idoneus verbi divini concionator.

This is almost word for word in the advertisements of 1564, in the second Item of Articles for Administration. Sparrow, 124. See note above upon Can. 46, and the fifty-third

Irem of the Queen's Injunctions in 1559, p. 82.

+ De Cancellariis, &c. Sparrow, p. 233. Si nulla erit concio, pronunciabunt unam ex homiliis, &c. Interim cohortabuntur populum, &c. Admonebunt populum, &c. Et ut omnes intelligant quid debeant Deo, quid Principi, quid Legibus, &c. omnibus dominicis præsto erunt, ad duas horas legent, docebunt catechismum, et in eo substituent omnes omnium ætatum atque ordinum, etiam si opus erit grandiores, &c.

† Also they shall admit no man to preach within any of their cures, but such as shall appear to them to be sufficiently licensed thereunto. See the eighth Item of the Queen's In-

junctions 1559. Sparrow, p. 69.

Whether

CHURCH of ENGLAND considered. 189

SIXTHLY, That a book shall be kept in every parish, for entering the names and licences of every person that comes there to preach *. Can. 52.

SEVENTHLY, That there be no opposition of Preachers in the fame Church, or the fame neighbourhood. Can. 53 +.

AND, lastly, That the licences of Preachers, refusing conformity ‡, shall be void and

of none effect. Can. 54.

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ALL these Canons, except the last, are evidently founded on the former Constitutions made in Queen Elizabeth's reign, and the last is as evidently levelled against the Puritans in particular; who, in the latter end of her reign, and the beginning of King James's, gave no little disturbance to the esta-

Whether they (the Ministers) have admitted any man to preach in their cures, not being lawfully licensed thereunto.

Art. of Vifitation 1559. Ibid. p. 177.

* Æditui curabunt ut nomina omnium concionatorum, qui ad se alicunde venerint, annotentur in libello, quem habebunt paratum in eum usum; utque in eodem libello concionator quisque subscribat nomen suum & diem quo habuerit concionem, et ejus episcopi nomen a quo acceperit concionandi po-

tellatem. Can. 1571. Sparrow, 237.

† This is all that relates to the Preachers in the fifty-third Canon; and it is founded on the fifth Item of the advertifements of 1564. Sparrow, p. 123. viz. If any Preacher, licensed, shall fortune to preach any matter tending to differsion, or to the derogation of the religion or doctrines received, that the hearers denounce the same to the Ordinary; but no man openly to contrary or to impugn the same speech so disorderly uttered, whereby may grow offence and disquiet to the people, &c.

Refusing Conformity. The Latin Canon hath it Schismatics.
blished

The RUBRICS and CANONS of the blished Church. And it was chiefly on their account, as I conceive, that the old rules, about preaching and licenfing, were so strictly followed. For the first end and defign of those rules was already answered, after a 40 years progress in the Reformation. Most of the old unlicensed Papalins were gone off, and their places filled with perfons better affected to the Protestant doctrines and customs. Learning was become more common; and the churches generally provided with Graduates, or fuch as had University education. But though, by this means, Popery was thrown pretty well out of doors. and there was no apprehension that the pulpit would be made use of towards the restoring it in whole, or in part; yet another enemy to the established Church had arisen, and had found means to discharge it's artillery too often from the pulpit, and under the fanction of licences.

A VERY fresh instance both of the principles and of the strength of the Purisan party, among the Divines, had appeared at the Hampton-Court conference just before the framing of these Canons. And it was very natural for the Convocation, that framed them, to guard and secure the Bishops authority, in all instances, for which they could find a precedent since the Reformation; and especially to drop nothing of that branch of power over Preachers, which the Ecclesiasti-

CHURCH of ENGLAND confidered. 191 cal Laws had given to the Ordinary, as being one of the strongest bulwarks of an established Church.

AND thus much of the reason and inten-

tion of the Canons now before us.

THE next question will be, How we can reconcile our present usages to them, what their validity, at this time of day, may be supposed to be, and what grounds of exemption we have to plead from a strict and lite-

ral observance of them?

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IT is, as I take it, the opinion of some, that the beneficed men, at least, need be under little difficulty in answering for themselves; fince their Orders and their Institution, taken together, feem to amount, in effect, to the same thing with a preaching Faculty or Licence. They observe, that, in the Office for ordering of Deacons, the form, appointted for the delivery of the Bible, runs thus; Take thou authority to read the Gospel in the Church of God, and to preach the same, if thou be thereto licensed by the Bishap himfelf *. But the prescribed form, at the delivery of the Bible, in the ordering of Priests. is this: Take thou authority to preach the word of God, and to minister the holy Sacraments in the congregation, where thou shalt be lawfully appointed thereunto. Now, say they, what is collation or institution to any bene-

If thou be thereto ordinarily commanded. Thus it stood in the office that was used in 1603, but to the same souls.

192 The Rubrics and Canons of the

fice, but a lawful appointment to preach the

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word of God in a certain congregation.

THE right of preaching is originally in the Bishop, as ordinary Pastor within his diocese; and this he delegates in different ways: To a Deacon, by a special warrant or faculty (his proper office being only to read the Gospel, and not to preach it). But to a Presbyter, in virtue of his Orders, by, or through which, he grants him a general commission, as yet indeed unopened; but when he, or any other Bishop, doth further invest him with any particular cure and regimen of fouls; then the general commission becomes special and proper. So that no further licence should feem any ways necessary, especially for preaching within a man's own cure, which, by the old Canon Law, as I faid before, every beneficed man might de jure community of the hibit reinumno

NAY, indeed, most of the titles upon which persons are admitted into Orders, are properly appointments, and nothing more than appointments, of certain places where they should exercise their Ministry; and Ordination, upon one of these titles, seems, of itself, to give sufficient authority to preach in that congregation, or church, which is specified in the title. At least, if a licence be further granted for serving that particular cure of souls, it is then equivalent with institution or collation, in this respect, that is

CHURCH of ENGLAND confidered. 193 to fay, according to the argument just now used, equivalent with a preaching licence.

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AND, if this reasoning be good, it may be extended still further, even to the justifying our preaching, not only out of our own cures, but in another Diocese, or in another Province, without any permission from the ecclefiaftical Superiors thereof. For every man is allowed, by the Canons, to preach by a substitute duly qualified; and if Priests Orders (as was said above) be a fufficient commission to preach wherever there is a lawful appointment, then the appointment of the person who has the legal right * in the pulpit of any parish, is all that seemeth needful to extending the commission to that place. And accordingly we find, that, in those places where a book is kept for regiftring the names of strange Preachers, it is thought sufficient to fatisfy the Canon, for the stranger to set down the Bishop's name who ordained him, in lieu of that Bishop's name who gave him licence to preach, as the Canon enjoins. at Ho shu partitit was anished

But now, how eafy and plaufible foever this folution of the matter may appear, I fear it does not stand upon a good bottom. I fear even beneficed men will not be allowed.

and apology for our prefent ulayes and

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The Minister if present, the Churchwardens if the Minister be absent, or hath not provided for his polpit. The sequestrators during a vacancy of the living. Others in exempt Churches, or Peculiars with special privileges.

to plead it for preaching within their own cures, much less for doing so out of their parishes. The reasons are, because no powers are conferred in Ordination, or in collations, institutions, or any other admissions to cures, but what are subject and liable to be controuled and limited by ecclefiaftical authority; even the episcopal powers are coercible by it. Bishops themselves may, upon occafion, be filenced, or obliged to take out preaching licences, as they were in Edward the VIth's reign. But, though there is no selfraint upon them now in this point, yet these Canons are standing laws of restraint upon us the inferior Clergy, and are neither rendered obsolete, nor weakened by being now 140 years old. For, to put it out of question that they are yet in force, the Bishops, by virtue of them, not only may, but actually do, when they think proper, comnel the Clergy within their jurisdictions to take out preaching licences in form; or, upon their refusal to do so, absolutely probabit their making any further use of their own pulpits, than for the reading of homilies themselves, or substituting some licensed Preachers in their place od a noru tank son esol r

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THEREFORE, I apprehend, our defence and apology for our present usages and practice must stand upon some other foundation, than the right and privileges of Ordination and Institution. And, I conceive, it can rest only CHURCH of ENGLAND confidered. 195 only here, viz. upon a general tacit dispensation of all, or most, of the Ordinaries in the kingdom, with one accord, and, as it were, with one voice agreeing (a particular case, perhaps, or two excepted) to a relaxation, or rather a temporary suspension, of all those Canon Laws about licences for preaching.

IF I may conjecture concerning the reafons that induce them to this dispensation, they are these; at least their dispensation, in this matter, seems highly justifiable upon the

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following confiderations.

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First, the qualifications of the parochial Clergy in general, with respect to literature and knowlege both divine and human, are much beyond what they were when the Canons were fettled, and in the ages before. There were indeed in those times some men of very extraordinary proficiency in all parts of literature, so as to be deservedly named among the greatest scholars of other ages and countries. But these were few in compariion. Learning ran in chosen and select channels, and was in that fense very rare and uncommon. But now it hath enlarged it's limits, and widened it's course, passing more freely and generally through many hands both of Clergy and Laity. So that wholoever compares the most authentick accounts we have of the parish Ministry formerly, not only in times of Popery, but for half a century after the Reformation, with 0 2

the state of the parochial Clergy at this time, and since the Restoration, in point of sufficiency in regard to letters, will find so great a difference as may well account for a more general permission of unlicensed Preachers, there being so much the less apprehension of danger from ignorance and blind superstition.

as they formerly did, the use of Homilies or the Ministry of an unpreaching Clergy. The taste of the people is altered much from what it was above a century ago. The extempore and puritanical preachments, in the great rebellion and during Cronwell's usurpation, had so much corrupted it, that it was well the Clergy of the Church of England, when restored, could be allowed the use of notes; much less would the prescript and stale form of the Homilies have gone down with the people.

And, thirdly, the circumstances of the times are altered, as well as the abilities of the Clergy and the taste of their audience. The particular reasons which once occasioned so great a care in licensing teachers, which I took notice of above, do no longer subssit. The remains and dregs of Popery have been for these many years purged off; and there is no suspicion either of priest or people, that the one will preach, or the other receive any doctrines tending that way. The

CHURCH of ENGLAND confidered. 197
reformed principles are the only ones commonly espoused, and in publick credit and esteem; and nothing can be borne in this age, but what is built upon them and suitable to them.

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AND then as to Puritanism, which I mentioned as another cause of the strictness of our Canons in this matter of licences, it hath now taken another course, especially since the Act of Toleration, whereby a feparation of congregations is permitted by Law. So that whatever check may be supposed to have been formerly given to the progress of it by with-holding licences to preach; yet the doing fo now would be no longer an inhibition, nor indeed have any influence that way; every Sectarist being now allowed to take out his licence, and preach to his own fraternity. And it would have feemed a little hard if our Bishops had not allowed the Ministers of the established Church to preach, even in their own parishes, under a toleration that permits diffenters of all denominations to fet up for teachers and pastors; and to claim licence from a law of the state for doing so wherever they please. I say a tenacious adherence of our Ordinaries to the letter of the Canons, now-a-days, must lay the beneficed Clergy, who are the only properly authorized pastors, under greater restraints in their didactical capacity, than even the laity themselves are laid under.

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Now, laying these things together, I prefume it will appear highly reasonable, that we should be dispensed with, in the manner we are, as to the literal observance of these Canons; and permitted by toleration and connivaries to refume that liberty of preaching within our own cures, which formerly all beneficed men by the Canon Law enjoy-

ed de jure communi.

And as for our doing it out of our parishes, or wherever we have an occasional call, though it be less agreeable to the ancient gules of our Church, than the case last mentioned, yet it stands upon as good a footing of a prefumptive confent of all the Bishops within the realm, as the other doth. It is a convenience, as a relief, to the Clergy in general, and as no inconvenience hath his therto orlien from it; fo, if there hould, the Ordinaries within their respective jurisdictions have Aill the remedy in their own hands. Which circumstance alone, had we no other reason to support it, would justify our interpretting their connivence as a plenary permillion, if not rather an approbation of what we do. We do not therefore usurp this power, we do not claim it as of right, but we use it as an indulgence or a favour of our fuperiors. Which fully reconciles our part and behaviour in this business with our obligations, upon the footing of the third class of Dispensations formerly mentioned and in MOV

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CHURCH of ENGLAND considered. 199

AND indeed without admitting this most. coultable rule of construction, which is allowed in all fimilar eafes, I do not fee how we can possibly acquit our present customs in preaching of direct repugnance to the orders and Canons of our Church. For if we will abide by the very letter of them, though we are not obliged thereby to fue out licences for preaching, yet we are obliged, till we obtain fuch licence, to read only Homilies' in the church. And though our Bishops cannot compel * us to take their licences, if we chuse not to have them, yet they are obliged (equally with ourselves by these Canons) to forbid our preaching for want of hem a trace

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This is faid with respect to the general case of the parochial Clergy, whose regular admission into their cures will score their possession thereof, whether they be licensed Preachers or not. And with due exception to all those cases where a Bishop may be said to compel; as in the case of livings of or above 30 £ yearly value in the King's books yand Clerks presented to them who are not Bachelors of Divinity. These, unless they be already licensed, or do take license provious to their institution, the Bishop is bound not to admit them; or, if he does, yet their benefice is forfeited and void by stat. Eliz. 13th. So in the case of Lecturers, whose admission to the Lecture is only by a licence taken from the Diocesan to preach, there is a necessity of their taking our such licence, because otherwise they cannot hold such Lecturer's place. So likewise in the case of Coadjutors, or Curates-Assistant to any beneficed Minister, the appointment of these being discretionary in the Ordinary, he may insist upon their qualifying themselves canonically by taking his licence to preach. And as in the two abovementioned cases of perform

200 The RUBRICS and CANONS of the

But as we have our reasons of expedience for not giving our people Homilies instead of Sermons, and reasons of great moment to our interests in our respective parishes; so the Bishops likewise have their reasons of expedience for not exercising ordinarily their power to prohibit our preaching; some of which I have already laid before you. So that by a mutual agreement, or as it were a tacit composition sounded on an expediency acknowledged by both par-

not remove the telecation licenses.

fons presented to livings' of 30 f value in the King's books, and of occasional Lecturers, preaching licences are always taken in form, and under seal; so, in the ease of Assistant Curates, it is usual with Bishops (and it is very right) to insert words of explicit permission to preach, in the instrument or licence which they give for serving the cure of souls. I say in all these cases where an explicit licence is either necessary or proper, care is taken that it shall be granted. But in all other cases where it is not made necessary by law, and where the Bishops cannot in strictness oblige the Clergy to take it, and where, if they did take it, it would answer no other end than the advancing of the perquisites of the Bishop's officers, and consequently increasing the expences of the Clergy at their admissions in the same proportion; the Bishop's have generally chosen (and their Clergy are obliged to them for the indulgence) to leave them to themselves, and not absolutely to inhibit them from preaching; which allowance is the more reasonable and safe on this account, that the faid Clergy have fully complied with all the other conditions and qualifications for the Ministry that were required of them; as the subscription, particularly, to the three Articles in the 36th Canon, which not only every incumbent at his institution, but every person at his admission into Orders, doth subscribe in the same form that is required to obtain a licence to preach.

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ties, the literal execution of the canonical Injunctions is waved or superfeded, till such time as there may be occasion hereafter, (and you have heard enough of such-like occasions heretofore) * to revive them in their pristine force and vigour; in such manner as other canonical Injunctions have been, from time to time, revived by common consent of the Bishops among themselves, consulting bow they might best employ that authority which the Ecclesistical Laws now in force have vested in them: Instances of which you may see in the circular letters of the Archbishops to their suffragans.

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IT remains only in the interim that those of the Clergy among us who take the benefit of this temporary Dispensation, study to make the same proof of their Ministry, and

It is observable, that all the alterations or deviations from the rules of the Canon Law, which have been made in respect of licensing Preachers, or prohibiting of Preachers, have been calculated purely to prevent reformation when the Papists were in power, and to promote and compleat it when the Protestants were so. The first statute law about preaching, in Henry IV's reign, was to check the followers of Wichise, commonly called Lollards. So likewise was Thomas Arandell's constitution de Hareticis. The various injunctions and inhibitions recited above in the reigns of Hen. VIII, Ed. VI, and Queen Eliz. were levelled against Popery. Many of our present Canons in James I's reign were retained, and one or two new ones added to preserve what was already established from further innovations from the Puritans. What occasions may occur hereafter time only will shew.

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to make use of their unlicensed preaching with the same diligence, and the same care to approve themselves by it in every respect, as if they were responsible to their Ordinary, in the fame manner licensed Preachers formerly were, for every mildemeanor, abuse, or neglect committed in fo great a trust reposed in them. convert of the Shake we will be delivered

dated for boundful is a few his bullet and for which and only lied in this circular less select the the Control of the Co Today between total and our years and anomalic. e the Clercy antony as this last part leaves browners accircles of CL (42 coppes) with the to box, which a new is the ground one tower The state of the s

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Visitation Charge Anno 1745.

DISCOURSE X.

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Upon the form of prayer before Sermon, Canon the 55th.

Reverend Bretbren,

I Y Discourse to you the last time we met, upon the old diffinction between beneficed men not allowed Preachers, and Preachers by licence, with the uses of it for understanding the Canons; and likewise upon the privileges annexed in former times to the preaching faculties, with their consequences and effects in those times; consisted for the most part, as you may remember, in historical researches into these points, and fundry others closely connected with them; yet in appearance very little connected with our modern customs and usages. It was a subject, however, not to be passed over, though perplexed and intricate enough; because it extends itself through several Canons upon different topicks, and mixes and incorporates with their feveral proper matters. I am still within the verge of it; for the 55th Canon, which, according to due course and Ministra des

and order, I now proceed to examine, is a kind of appendage to the foregoing fett; but the matter of it, being more simple, and uniform, and better accommodated to our prefent practice, will admit of a more regular and better methodized, as well as a more

profitable discussion.

ONE would indeed imagine from the title of it, which is, A prayer to be used by all Preachers before their fermons, that there could be no room for disquisition or dispute about it. And yet, in the whole body of Ecelefisitical Conflitutions, there is not one that yields more matter for both than this does; nor one upon which the Clergy have been more divided, both in their fentiments and their practice: for, though we all profels to conform ourselves to it, yet we express our conformity in divers ways. And I may add further, that it is the only Canon upon which I have even yet met with a formed discourse or a differtation professed: and that is one by Dr Heylyn in the last cenect in appearance very little counceted water

Bur my purpose is neither to build altogether upon what he has discoursed largely and learnedly upon the subject, nor yet to omit mention of the most material arguments

wherewith

Intitled, A brief discourse touching the form of prayer to be used by Ministers before their sermons. Can, 95. It was wrote in 1637, and was re-published among his Historical and Missillaneous Tracis, in 1681,

CHURCH of ENGLAND confidered. 205 wherewith he hath supported his own opinion: but to give, by means of his, and fuch other helps as I could meet with, the fairest account of the matter that I am able : and in the fame method that I have hitherto taken in commenting on this body of Ecclehaftical Law! to state him , name want for

THE fingle question which hath occasioned all the embarrass in the interpretation of this Canon, is this:

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WHETHER the Canon be a direction to to the Preacher to use a prayer according to the form therein set down; or whether it be a direction to him to exhort the people, according to that form, to pray for the things recommended therein to their devotions of For the feveral clauses in the imperative beginning with, ye shall pray, are equally capable of either construction; at least they feem fo upon the first view or cursory reading of the Canon his chine and per of vinesused no bha

Ir, for instance, we interpret them in conformity with the title of the Canon, vizi A form of prayer to be used by all Preachers before their fermons, nothing is more natural than to construe, ye shall pray, as an injunction upon the Minister to use a prayer agreeing with the form prescribed. But if we interpret them by the first words of the Canon itself, viz. Before all Sermons, Lectures, and Homilies, Preachers and Ministers shall move the people to join with them in prayer contriving

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in this form, or to this effect, ye shall pray for Christ's holy catholick Church, &cc. Then nothing seems more natural than to look upon the whole as an injunction upon the Clergy, to bespeak the prayers and intercessions of of their audience, either in the very words of the Canon, or in others to the same pur-

pose and with the same brevity.

A G ATM, the fudden transition from the the imperative plural, ye shall pray, to the first person singular indicative, and berein I require you most especially to pray, &c. seems to put it out of cloubt that the whole form is an exhortation to be repeated by the officiating Minister. And yet towards the conclusion, when another transition occurs from the second to the first person plural, sinally let us praise God, &c., this seems to imply a joint concurrence of Priest and people in the supplicative as well as eucharistical part; and consequently to require a form in the Minister's mouth, adapted to such an union in prayer: one that at the same time will serve both himself and them.

Now it is no wonder; if these seeming elashings in the directions should have produced a real diversity and dissonancy in the practice of the Clergy. Some using the very words of the Canon as an exhortation: others converting it into a prayer or an address to God: and others, again, so framing their diction as to serve both purposes: that is, so contriving

CHURCH of ENGLAND confidered. 207 contriving the form of their exhortation, as that it may feem nevertheless to be a prayer, and may pass indifferently for either, as the

auditors are disposed to interpret it.

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IT is neither my intention to blame any one for his opinion, nor to prescribe to any one's practice in this thing: knowing that very judicious persons have differed in both from each other. But a close enquiry into the reasons that may be pleaded on either fide of the question, provided it be a candid one, will scarce be thought unseasonable: especially as many of us have taken up our own practice most probably upon the authority, and in conformity to the example of other Clergymen, without having ourselves entered into any steady and thorough consideration of the point; and least of all into the history of the Canon, which yet seems to be the best key for opening to us it's true meaning, and letting us into the knowledge of it's peculiar stile.

INDEED what I call the history of it, or it's relation to, and dependence upon, former orders and injunctions, which will give it's traditional fense, is so necessary a groundwork to proceed upon, that I must begin there, in order to set the proposed enquiry upon it's true bottom. I gave you some proof in my last charge upon the preceding ten Canons, how requisite it was to have recourse to former Constitutions, in order to

understand

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understand their meaning and drift. The advantage of which retrospect will be equally apparent in this, which we are now considering: for we must necessarily be much in the dark about it, without calling in the light which our Church-History since the Reformation will afford us. Which I shall therefore collect and exhibit in the shortest and best manner that I can.

I'r was a custom of Preachers in the Popish times, in some part or other of the sermon, but generally about the beginning, to bid the beads, or advertise the audience to say an Ave Maria, or a Pater Nosler, for a blessing upon the word to be delivered to them, and for all necessary graces to be bestowed both on the preacher and themselves *.

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The bidding of the beads was at the discretion of the Preacher, for such things as belt suited the present occasion. Thus in sermons, at sinerals, or at commemorations of the dead, the beads were bid for the souls departed. Of this we have an instance in Fifter Bishop of Rocbester's sermon, at the suneral of Henry VII. in 1509, who in the middle of his discourse bid the beads in this form:

Let us helpe hym at the left with our prayers befechynge Almyghty God for his infynyte mercy to delyver his foule and to pardon it. And, or we procede any ferder of our pfalme, let us here devoutly and affectually laye for his foule, and all cryften foules, every of us; one Pater Nofter.

We have another instance of the same Bishop's bidding the

We have another instance of the same Bishop's bidding the beads for Margares Counces of Richmond in the same year, at a commemoration of her obsequies in these words: — But we shall with moost entyer mindes beseche hym, to accepte that sweet soule to his grete merey to be parteymer of the everlastynge lyse with hym, and with his blessyd sayntes above in Heyen; which I pray you all nowe affectually to pray, and for her now at this tyme moost dewoutly to say one Pater Noster.

Now

CHURCH of ENGLAND confidered. 200 Now from hence King Henry VIII took an handle to introduce a publick acknowledgement of his being supreme Head of the Church of England, by an appointment * that for the future all preachers whatfoever in bidding the beads should pray for him, as being the only supreme Head of the Catholick Church of England, with forme other

wards followed about bidding of prayers. Bur the thing principally to be taken notice of in this order, as most to our prefent purpose, is this expression in it, viz. that the Preacher in the bidding of the beads

particulars plainly denoting this order to be the foundation of the Injunctions that after-

This was intitled, An order for preaching and bidding the beads. It was framed in 1534. In which, fays Strype, forms were devised for the beads, as well for Preachers at Curates. Vit. Cranmer. p. 25. But afterwards, in his Memorials of Hen. VIII, he speaks of two orders to this purpose, one for Preachers in 1534, and another for Curates in 1535.

He calls the former a remarkable order given out for preaching and bidding the beads, in all fermons to be made within the realm: wherein, as to the prayers, it was commanded to pray for the King and Queen Anne and the lady Eliz. daughter and heir to them both, and to add no more. Wolf 1. p. 169.

See more of this order in Heylyn's Historical and Miscellane-

ous Trads, p. 147.

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The order itself may be seen at length in Burnet's Hist. Ref. Vol. III. Collections, p. 58. And in Collier's Ecclefia Sical Hift. Vol. II. p. 100. where it is intitled, Orders for regulating

But in the following year, viz. 1535, another book was framed for the use of Curates, of the same nature with this Strype's Mem. of Hen. VIII, p. 194. Of which we shall have occasion to speak more hereafter. Chall

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shall pray for fuch and fuch particulars, and in manner and form and soord for word as is therein ordained and limited. To attempt any other exposition of these words than what is to be gathered from the practice of the Preachers conforming to them it those times, would be going quite out of the merits of the question. The instance I am going to give of Bishop Latimer's manner of obeying this Injunction, is worth a hundred furmises that are ungrounded on precedent. In a noted Sermon * of this Bishop before the Convocation, and within two years + after this order of King Henry's was published, he bids the prayers, after having opened his fubject, in these expressions: I pray you all to pray with me unto God, faying even the same prayer which Christ bimfelf did institute. Wherein we shall pray (note these words) for our sovereign Lord the King, chief and supreme Head of the Church of England, &c. And then at the conclusion he says, for these graces, and what elfe his wifdom knoweth most needful for us, let us peay, as we are taught, Jaying, Our Father, &c f. The points to be chiefly noted here are thefe. First, that he

If may be foon at laugh in Burner's Hid.

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This Latin fermon was translated, and is among his works.

The order, fays Strype, was about Tune 1534. This Latin fermon was preached the oth of June 1536.

See Latiner's Sermon 4to, p. 8. And Dr Heylyn's Hift. and Mife. Tracts, p. 151. where the passage is given intere.

CHURCH of ENGLAND confidered. 211 had the King's order about the beads in his eye; for he takes in all the material parts of it. Secondly, that he bid the prayers in a form properly invitatory, for he makes therein no address to God till he uses our Saviour's own words. And, lastly, that he prayed for all the particulars he had been recommending to the devotions of the people, when he himself repeated the Lord's prayer; for he supposes and declares them all to be included in that, or comprehended under it. WE are now the better prepared for un-

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derstanding the next order to this purpose fet forth in 1947, at the foot of King Edward's Injunctions, and intitled * the form of bidding the common prayers. A title that will not furprize us, when we recollect that there the flower (was had been in o's for force

The expression of bidding the beads was now no longer. used, as favouring of Popish superstition. For, in these very injunctions, the praying upon beads is reckoned among the works devised by more phantasies, and besides scripture.

And this form of bidding very naturally follows immediately after the last them of the Injunctions, which is, suber any Sermon or Hamily shall be had, the prime and bours shall be omit-The bidding of prayers then was only to be used when there was a Sermon or an Homily, and this by way of fup-plement, or instead of the prime and hours which were then to be omitted. And, being the only prayers that were to be publickly used at those times, might properly enough be filed the common propers on those occasions; especially as they such ceeded in the room of the beads, which had been in the Popish times very justly looked upon as the common-prayer of the pos pulace. Of which fee more below. It was after these times hat the seformed Liturgy, established in England, fo caprofied the name of the common-prayer, that it could not be properly uled for any other fervice. Carried !

was, as yet, no Protestant Liturgy established.

AND here in the very beginning of this form doth that stile occur, which hath been since continued in the Canons, and hath given rise to our present question, you shall pray; an expression, which however doubtful it may seem to us now, was then of all others the plainest and least liable to be mistaken*. For it was the old stile in bidding the beads, and that to which the bulk of the Clergy throughout the realm had been most accustomed; and which no doubt was preserved by most of them in bidding the beads under King Henry VIII's order +.

This form, which is a long one, will be found in the Hiflory of the Reformation; but is more correctly given by Strype in his App. to the 1st Vol. of Memorials, No. 37, under the title of The bedes on the Sunday as anciently used.

It is the same that had been in use for some years in bidding the beads, the form of which was, Ye shall kneel down on your knees, and lyste up your bertes making your prayers anto Almyghty God for the good estate and peace of all holy Churche &cc. — Also ye shall praye for the boly land, &cc. — For all these and for all chrysten men and women ye shall say a Pater Noster and an Ave Maria, &cc.

The ancient form, just now mentioned, had been reprinted in a book called the Festival so late as 1532, two years only before the King's order for the beads. Strype's Mem. Vol. I. p. 138. And, if that had not been a sufficient direction to the inferior Clergy, care was taken they should not want one. For in the book framed for Curates abovementioned, in 1535, certain alterations were made purely for their use by Thomas Bedyll clerk of the council, of which he himself gives this account: In the beginning, says he, where it is written, they shall preach and declare, I have altered it through

Church of ENGLAND considered. 213
And though the Bishops * and Preachers
might be indulged in the liberty of framing
their own exhortations, as heretofore, provided

through the book thus — I declare unto you, or thus, ye shall underfland. For else I suppose many of the Curates be so brute that they would read or speak every word as it was written, and say of themselves in the pulpit they shall preach and declare, &c. A notable instance how much accustomed to prescribed forms the Curates were; as well as a sad instance of the necessity of prescribing to supply their ignorance. See Bedyll's letter to the King's visitors at length in the Appendix to Strype's 1st Vol. of Mem. No. 55.

Let this only be further added, that in the articles for the Royal Visitation in 1547, under the head relating to Parsons, Vicars, and Curates, there is the following Item, viz. Whether they bid the beads according to the order prescribed by our late sowereign Lord King Henry VIII. Strype's Memorials of

King Edward, p. 51.

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The practice of the Bishops, under these Injunctions by King Edward VI, seems to have been the same as under King Henry's order. For we find Bishop Gardiner in the year 1550 (three years after the Injunctions were set forth) bidding the prayers in his Majesty's presence in these words:

"Most honourable audience, I shall desire you all that we may jointly pray together for the assistance of his (God's) grace; in which prayer I commend to Almighty God your most excellent Majesty, &c." Concluding at last in this manner, for these things and for grace necessary, I shall defire you to say a Pater Noster. Heylyn's Hist. and Miscel. Tracts, p. 155.

Another instance of the same kind and in the same year we have in a sermon of Bishop Latimer's at Stamford, O.B. 9. In which immediately after his Exordium, his bidding of prayer stands thus in his printed works, p. 88. — "And that I may "at this time so declare them as may be for God's glory, "your edyfying, and my discharge, I pray you all to bely me

" with your prayers.

"In the which prayer, &c. For the universal Church of Christ, &c. For this and all other graces let us fay the

" Lord's prayer."

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vided they did it to the same effect with the Injunction, yet there is no reason to suppose but that the non-preaching Ministers throughout the realm would be as content to use a prescribed form of bidding prayers, as to read a Homily. And as it doth not appear that the Bishops and Preachers did at any time in all this reign, or for some years afterwards, convert the exhortation into a prayer or invocation, much less can it be presumed that the Curates and inferior Clergy should offer at such a change. Or, if they had, that they would have been allowed in

It is observable of both these Bishops, that they end with the Lord's prayer, and indeed refer to it as a necessary appendant of their exhortation, though it be not directed in the form to be said. From whence may be inferred, that the form of bidding did so evidently require the Lord's prayer to follow it, and custom had so strongly established the usage, that it was needless to make particular mention thereof.

that it was needless to make particular mention thereof.

There is indeed an instance quoted of bidding prayers under this Injunction, wherein it is not said that the Lord's prayer was repeated in the conclusion, but only bic faste fur tesite praces. This is from Bucer's Scripta Anglicana, wherein Dr. Parker's sermon at the funeral of Martin Bucer, in 1551, is translated into Lorin. At the end of which he bids the prayers in a rhesorical way, but in substance according to the Injunctions. And at the conclusion it is only said, that prayers where put up in filence. From whence Dr. Haylyn infers, that the Ministers did not always use the Lord's prayer, but that the people were left to recalled the beads recommended to them, and facilly to represent them to the Lord in their devotions. His, and Miscel. Trass, p. 154.

tions. His. and Misel. Teach, p. 134.
But it may well be questioned, whether there be sufficient authority for this conclusion, from the bare omission of the Lord's prayer in this passage. It may still be prefumed to have been used on that occasion, after some panse for secret prayer.

CHURCH of ENGLAND confidered. 215 fo doing. For, if they were not to be trusted with a liberty of preaching, how much

less with a liberty of prayer?

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WE come in the next place to the Injunctions of Queen Elizabeth in 1559. At the end of which there is another order of the fame tenor with King Edward's, but something diverlified. It is intitled now, The form of bidding the prayers to be used generally in this uniform fort. Upon which title a query presently arises, whether generally is to be understood without any exception, and uniform without any variety? Of which the readiest folution that occurs to me is this, viz. That the constant and known usage of the Clergy, in those times, would sufficiently afcertain the meaning of this title: that it was intended to confine the generality of the Clergy, that is, the non-preaching Ministers, to the invariable use of this very form; but that it left the Bishops and Preachers to the liberty they enjoyed before, of framing their own exhortations to the people upon the tenor of this form, Which begins with ye Shall pray for Christ's boly Catholick Church, and so on to the end almost verbatim with our present Canon; faving that the words at the end, always concluding with the Lord's prayer, were not as yet added.

Now what I am principally concerned to observe upon this order of Queen Elizabeth's, of which our Canon is no more than a republication.

216 The RUBRICS and CANONS of the publication, is this: that it never was intended to be made use of in the form of a prayer.

For the proof of which I need only mention these two things. Whether it also a W

nepsolidaq.

FIRST, that the use of any prayer whatfoever in publick, otherwise than was appointed in the fervice-book, was prohibited by the act of Uniformity, which passed a little before these Injunctions were published. And it is not to be conceived, that the compilers of them should set forth an order that should interfere and clash with that act of Parliament *.

SECONDLY, that the additions made to King Edward's order in this of Queen Elizabeth's are fuch as cannot with any propriety be inferted or made use of in an address to God: and therefore never were defigned to be the form of a prayer. As, for instance, here is a definition of the Catholick Church introduced in these words, that is, for the whole congregation of Christian people difpersed throughout the whole world; which however

The clause referred to is this, — If any manner of Parfon, Vicar, or any other Minister — shall wilfully use — any other open prayers, than is mentioned and set forth in the said book [by open prayer in and throughout this Act, is meant that prayer which is for others to come unto, or hear, either in common Churches or private Chapels, or Oratories, commonly called the service of the Church] —— he shall lose and forfeit to the Queen's Highness —— for his first offence the profit of all his spiritual beneficer. tual benefices, &c. -97 & May Stom on All. Uniformity. primo Eliz.

CHURCH of ENGLAND considered. 217 proper for the instruction of the people in an exhortation to prayer, that they might know what they prayed for as Protestants, under the term Catholick Church, yet is by no means

proper in a form of invocation.

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So again, in giving the lift of the Queen's Royal titles, the addition of the Kingdom of France, and of Defender of the faith, which were not in King Edward's order, however just, as civil distinctions, to be owned and preserved by the subject, are highly unsuitable to the nature of an address to Almighty God. In all our other publick offices of prayer you may observe a great decency and moderation in fetting forth the Royal prorogatives: when we mention our Prince, it is under these terms, our most gracious sovereign Lord, or thy fervant our most gracious King and Governor. Or, at the most, thy chofen servant, and our most religious and gracious King. But now in this Injunction all the characters of the imperial crown are displayed, and ushered in with the greatest pomp. It is the Queen's most excellent Majesty, our fovereign lady Elizabeth, Queen of England, France, and Ireland, Defender of the faith, and supreme Governor of this realm, as well in causes ecclesiastical as temporal. Doth this comport with the idea of a fupplication at the throne of Grace? Can we plead before God a title of this crown given by the Pope to King Henry VIII, for writing a book in defence

218 The RUBRICS and CANONS of the defence of the Church of Rome; or a claim of this crown to a neighbouring Kingdom, which, though once in some measure conquered, was yet never obtained or possessed? If it be faid that these very words might not be defigned to be put into a prayer as being incongruous, but only fomething to the general effect thereof; I would ask, why then were these very words superadded to the form appointed by King Edward? If they might be at all dispensed with, they were superfluous. But, if they made a necessary part of the form, it could not be meant as a form of prayer, because the stile and diction forbid fuch a construction.

YET notwithstanding it must be owned that the usage of prayers before sermons began to prevail in this Queen's reign. But still this will make nothing against the meaning or authority of this Injunction, when we remember that such practice took it's rise from the Puritans, who studied rather to initate the institutions of Calvin at Geneva*, and Knox in Scotland, than conform themselves to the establishment at home †. They excepted

† In their book of Discipline were these articles concerning preaching.

defence

[&]quot;They were for nothing but Geneva pfalms and fermons, condemned the Common-Prayer, and the whole conflictation of the Church. Bishop of Norwich's Articles against Sir Robert Jernyn, &c. Strype's Annals 2 Eliz. Vol. III. p. 20.

CHURCH of ENGLAND confidered. 219 cepted likewise against certain expressions in the bidding form, as that of the Queen's being Supreme Governor * of the Church, and that of Archbishops and Bishops +; and also against the use of the Lord's prayer ; all

" 1. To appoint a pfalm before and after fermon.

" 2. To make confession of fins, and to pray for the good " delivery of the word and receiving it.

" 3. To pray after for all effates, and for a bleffing upon the word received."

Taken out of Thomas Cartwright and others their answer to the bill against them in the Star-Chamber, 1501.

Strype's Whitgift, App. to B. 4. No. 4. When Robert Wright the Puritan was charged, that in preaching be used to Jay prayers of his own devising, he anfivered, that be prayed as preachers used to do in all places, and altogether in prescript words: but as the occasion fell out in some points. Yet he over prayed for the Queen's Majesty, and for the Lords of the Council, and for all Ministers of God's word. Strype's Annals of Queen Eliz. Vol. III. p. 124. And Appendix, No. 23.

By this confession it may appear how the Puritans dealt

with the bidding form.

1. They changed it into a prayer. This was the Graves way: and according to their book of discipline.

2. They dropped therein fome things that gave them of fence, as the Queen's title of supreme Governor, holding that there is no Head or supreme Governor of the Church of God but Christ. Strype's Annala Eliz. Vol. III. p. 579. Much less could a woman be fo. - Forget the glorious title of supreme Gor that cannot agree with your fex. Luther and Calvin vernor, fi did not allow it & the Puritans fmile at it, and the Catholick world dath condemn it. Parry's Letter to Queen Eliz. fre

Tower, 1584. Third Vol. Annals Eliz. Appendix, No. 46. # To pray likewise, or but prayer, reBifton went against them: as being the stile of an Hierarchy
not appointed in scripture.

I And, lastly, they were against the use of the Lord's prayer, as a fet form, which yet was necessarily to be used 220 The RUBRICS and CANONS of the

which they could evade and model to their own minds, by the device of a prayer instead of an exhortation. To what degree this practice might spread among the Preachers, and Lecturers in those times, many of them being puritanically inclined, I cannot say *: nor is it to our purpose to enquire, since there is no doubt to be made either of the intention of the Injunction, or that all the Clergy + who paid any regard to it, or made it the rule of their practice, fulfilled it in the bidding form.

WE

by those who complied with the Queen's Injunction in the bidding way. The Puritans called the Barrowists first maintained, that it was not lawful to use the Lord's prayer publickly in the church for a set form of prayer. Strype's Annals of Q. Eliz. p. 143. See more of this confessed by John Dowe, Annals of Q. Eliz. Vol. III. p. 579. As that in their conventicles they use not the Lord's prayer, nor any form of set prayer. To that which is alledged that we ought to say the Lord's prayer, because our Saviour Christ saith, When you pray, do you say thus; they answer, he did not say read thus, or pray these words, for that place is otherwise to be understood: namely, all our petitions must be directed by this general dollring.

De Heylyn quotes an expression of a Preacher from Bancross's Dangerous practices and positions, in these words: "Ego
ingulis sabbatis, si non alius adveniens locum suppleat
(cam præscripta liturgiæ formula nihil habens commercii) in
cettu concionem habeo." And what be prosessed for bimself,
awas then the practice of many more. Heylyn's Misc. Tracts,

D. 156.

† Dr Heylyn quotes enough out of the works of those great men, Bishop Jowell and Bishop Andrews, to shew that they followed the exhortatory way according to the Injunction. And the same may be taken for granted of all the Ecclesialtical Commissioners (who were the most eminent among the English Clergy); those especially, who in their directions to

CHURCH of ENGLAND confidered. 221

We are now come up to the question in hand, concerning the meaning of our present Canon, with all the advantages that the history of it can give us. And I shall have little more to do than to collect together, in the closest manner that I can, what is, or may be said on either side, to support the practice of a prayer before sermon in some of us, and of an exbortation in others.

THE advocates for a prayer have thus much to alledge for it, that the few additions made in this Canon of 1603, and the new title given to it, whereby alone it differs

all Churchwardens, &c. in the 13th year of the Queen's reign, insisted, among other things, upon this, that they should in no wife suffer any person or Minister to say any publick prayers in any of their churches, or chapels, otherwise than is appointed

by the Common-Prayer.

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I find indeed Archbishop Sandys concluding a sermon at St Paul's Cross on a publick Thanksgiving, with a large prayer of Thanksgiving. Which, says Mr Strype, may deferve remark. Annals of Q. Eliz. Vol. III. p. 327. Yet he probably used the form of bidding before sermon, as others did. I find likewise in a book published in 1566, and perused, and allowed by Authority, by Thomas Becon, intitled A Possill, or sermons for all Sundays in the year upon the Gospells, (to be read by Curates to their congregations) prayers composed, to be used, both before and after sermon.—"To which possill, says Strype, two prayers are added, either of them to be said before sermon, a longer and a shorter, according to the Minister's discretion; and another prayer or thanksgiving to be said after sermon. These prayers and these servent and compose prayers and sermons for themselves."

Strype's Life of Parker, p. 228. The use of this Possil

Strype's Life of Parker, p. 228. The use of this Postill might be allowed unlearned Curates, as was also the use of Bullinger's Decads, translated for the same purpose. But neither of them were of equal authority with the Queen's In-

junctions.

222 The RUBRICS and CANONS of the

from the former Injunction of Queen Elizabeth's, are such as feem rather designed to countenance prayer, a practice already introduced by custom, than to prohibit and exclude it.

They observe, for instance, that the title of the Canon is no longer the form of bidding the prayers, but the form of a prayer to be used by all Preachers before their sermons. And in the Latin title formula precations à concionatoribus imitanda. And though the general scheme of the prayer which they are to sollow, be afterwards laid down in the body of the Canon, in the very same terms in which prayers were formerly bidden, yet the title, by denominating the whole, the form of a prayer, sufficiently determines the nature of the composition to be made and used by the Preacher.

THEY observe further, that the words of the preamble, which were added at the same time with the title, may be looked upon as further explaining in what sense the old bidding form is now to be accepted: Before all sermons, &c. Ministers shall move the people to join with them in prayer in this form or to this effect. The Latin hath it, ut secum in precibus concurrat in bune aut similem modum. That this sentence is as literally and as grammatically construed, by interpreting it of the Ministers praying in this form or to this effect; as it is by understanding it of his moving the people

CHURCH of ENGLAND confidered. 223 people in this form or to this effect. The only difference will be, that, if it be taken in the former acceptation, the words immediately following, ye shall pray, must necessiarily be expounded as an injunction upon the Ministers to form their prayers upon the heads there laid down. That by thus changing the subjects of these clauses of direction. and transferring the application of them from the people to the Preachers, the whole is confistent with itself, and accords extreamly well with the title; in which no mention is any longer made of bidding, as ought to have been, had the old form been yet retained to that use and purpose.

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AND further that the addition of the Lord's prayer, by an express command at the end of the Canon for it's perpetual ulage, corresponds with the foregoing directions: and might be enjoined for this reason, left it should be discontinued or thought superfluous by this alteration made in the whole meaning of the Canon. That it had not been held requifite to fubjoin it expressly to an exhortation, because it seemed to be a necessary appendage to such a form, being the fummary of all that the people had been bid to pray for. But, that reason ceasing upon this change, it appeared to have been ordered on another account, viz. to supply the defects of the Ministers addresses, and

CONTRACTOR RESIDENCE

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224 The RUBRICS and CANONS of the thut up in a most comprehensive form his imperfect prayers. 1841, and they constitute v.

AND this whole interpretation of the defign of the Canon is not only supported by the prevailing practice of the Clergy throughout the realm, but confirmed in the 6th article * of his late Majesty's directions to the Metropolitans and their Suffragans in the year 1714, wherein, by way of animadversion upon those who use only the Lord's prayer, with a collect perhaps, before fermion, and by that means totally omit his Majesty's titles, it is observed that the Canon prescribes the Lord's prayer, as the conclusion only of the prayer before fermon and not the whole prayer, and therefore the Clergy are required from thenceforward in their prayers before fermon to observe the Canon strictly. And this may be looked upon as an authoritative interpretation of the Canon coming from the supreme Head of the Church, and transmitted from thence to the Clergy by the Archbishops and Bishops, who are Custodes held require to fubjoin it expre

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Whereas we are credibly informed that it is the manner of some in every diocese, before their fermons, either to use a collect and the Lord's prayer, or the Lord's prayer only, (which the 55th Canon prescribes as the conclusion of the prayer, and not the whole prayer), or at least to leave out our titles by the said Canon required to be declared and recognitions. nized: We do further direct, that you require your Clergy in their prayer before fermon, that they do keep strictly to the form in the said Canon contained, or to the full effect thereof.

Church of ENGLAND confidered. 225
Canonum; the persons invested with proper
powers to see them duly executed.

HERE you have, as I think, the strength of all that is to be said on this side of the question. Let me now do equal justice to

the maintainers of the other opinion.

THEY will tell us, that this 55th Canon; being beyond all controversy a repetition, or a revival, of a former Injunction, cannot be supposed, at least so far as it is word for word the fame, to express a new intention, or to warrant a new practice, and fuch a practice as was contrary to the act of uniformity then in force. And that to expound it in a different fense from that constitution of which it is properly the restorative, is quite arbitrary, and without any reasonable foundation. That the few additions made to it 1603, which have given the handle to pervert it's meaning, are, when rightly understood, further explanations of it's primitive intention: and serve only to secure it against the liberties that had been taken with it; especially that of devising prayer before sermons, which was growing into use very fast in the beginning of King James's reign.

EVERY one who reads these Canons will perceive, that in them all both Preachers and Non-Preachers are recalled to their respective duties, and have their several provinces assigned them. They are distinguished in this very Canon from each other by the names of

Preachers,

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Preachers, and Ministers. A distinction that had been needless, if the Canon had not expressly required this form to be used before all Homilies, as well as before all fermons and Lectures. The Curates and Readers, who are here called the Ministers, were confined to the use of Homilies, and might not deliver in publick any compositions of their own: and therefore were obliged to use the same form of exhortation, as laid down in the Canon, which had been prescribed them by Queen Elizabeth. But, on the other hand, the Preachers (by which all along in these Canons are meant the Bishops, and Clergy with preaching licences) are allowed the fame liberty of divertifying the expressions of their exhortations, which they had formerly been indulged in. And to them it is permitted to move the people to join with them in prayer either in the form prescribed, or to the effect thereof; with a caution however to use brevity.

And this will help to explain the title of the Canon: formula precationis à concionatoribus imitanda. Why not also, à ministris imitanda, who were equally concerned in the Canon, and perhaps were by ten to one the majority? Why I have given you the reason; the Canon was to them the same word for word, that it had been from the year 1559, viz. a form of bidding prayers generally to be used in that uniform sort. So that provision is

CHURCH of ENGLAND confidered. 227 is hereby made for the regular practice both of Preachers and Readers. And as the title of Queen Elizabeth's Injunction, just now mentioned, related immediately to Readers only, but not so as to release Preachers from their accustomed conformity to it; so the title of this Canon relates immediately to Preachers only, but not fo as to give liberty to the Readers to break through the limita-

tions prescribed them.

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THE only thing remaining to be accounted for, is, why the Canon should be intitled a form of prayer, or formula precationis; to which it may be answered, that, how improper loever this title may feem for an exhortation concluding with the Lord's prayer, yet if it be remembered that we meet with it in a body of Constitutions grounded upon former ordinances, and adapted to them both in matter and expression as much as possible, and that in a former order, to which this Canon particularly relates, there is the fame feeming inaccuracy of phrase, viz. that the Preacher in bidding of the beads shall pray, by which no more was meant, than his ulage of the Lord's prayer after having briefly recited the points to be fummed up in that comprehensive form; I say, when this is taken into confideration, there will remain no difficulty in interpreting formula precationis, according to the old stile, a directory of prayer, or a fummary of those heads or articles which

are

are proper to be included in our wishes and defires in our publick usage of the Lord's prayer before fermon. And for this reason even Queen Elizabeth's bidding form hath been, on occasion, stiled a prayer *, which may the easier reconcile us to that fort of canonical language, if we meet with it so late as in the King's directions in 1714 abovementioned, wherein his Majesty required of the Clergy, that in their prayer before fermon they (bould keep strictly to the form contained in the Canon, when yet that form is neither a prayer itself, nor convertible with propriety into a prayer, if firielly kept to, in those points especially which the Canon (as is observed in the faid directions of his late Majesty) requires to be declared and recognized. A difficulty more likely not to be attended to, than easy to be got over by those who interpret this direction of a prayer properly fo

[.] In the collection of Dudley Fenner's fentences made by Lord Treasurer Burghley, (Strype's life of Whitgift, p. 124. ad an. 1583) there is towards the end this following:

[&]quot;A supplement to the Prayer since the time of my Lord Archbishop," — (meaning Whitgist), viz.

"Ye shall pray also, that God would strike through the
fides of all such as go about to take away from the Mimillers of the Gospel the liberty which is granted them by

[&]quot; the word of God."

That this was meant of Queen Elizabeth's bidding form, is evident from the phrase ye shall pray. And, being called a supplement to the prayer, it is evident that the said form was known by that stile.

CHURCH of ENGLAND considered. 229

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IF, lastly, it should be asked, how it came to pass that the Lord's prayer, which was omitted in the former bidding forms, should be expressly commanded in this, if this was yet to retain the nature of an exhortation; they who plead on this behalf have their answer to give, as well as the advocates for prayer. For they will fay that the practice of composing prayers introduced by the Puritans, and coming into vogue when these Canons were drawn up, made it highly proper to close this Canon with the advertisement in these words, always concluding with the Lord's prayer, both to warn the Preachers that the Lord's prayer is never to be dropped before fermons, of which omission some of the Puritans were guilty; and also, and principally, to prevent their mistaking an expresfion in the preamble, where it is faid they shall move the people to join with them in prayer: which, left they should be induced to misinterpret of a prayer of their own composing, they are here taught to refer it, and apply it to the Lord's prayer, as the appointed conclusion of their form of exhortation. A caution which heretofore had been perfectly unnecessary, and therefore not to be found at the foot of the old bidding forms; but added nevertheless very seasonably to this for the foregoing reason.

AND thus I have laid before you the arguments and motives by which the Clergy

O 2 have

230 The RUBRICS and CANONS of the have guided themselves, though in a different conduct, in this yet unfettled point. It were to be wished, for the sake of uniformity, that the matter were finally decided by some proper authority *. And, till it shall be fo, I do not take upon me to censure the proceedings of any of my brethren in this bufiness; unless it be of those who can content themselves at all times with the bare use of a collect before sermon. They who adhere to the very letter of the Canon, without any deviation from the expressions in it, fave in the alteration of names in the recital of the Royal Family, are no doubt canonum observantissimi. Faction and party, which are ever unreasonably censorious, may possibly lay hold on this facred adherence to form as a pretence of suspecting and aspersing them, as if they chose rather to bid and require their audience to pray for the King and Royal Family, than to offer up their own

transferred of a frager of their order than

Hence may be gathered in great measure the sonse of that Convocation on the present question.

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In the year 1661, there is found this entry in the journal of the upper house of Convocation - Reverendi patres unanimi conteniu & affeniu in votis dederunt pro unică formă catam ufitanda & observanda per ministros intra provinciam Cant. And that this order was pursued in Convocation, the not to effect, appears from the minutes of the lower house; where, Jan. 31, we find a committee appointed for this (among other purposes) to compile a prayer before sermon. Bi-shop Gibson's Cod. Vol. I, p. 381. Under the title of the prayer before sermon.

CHURCH of ENGLAND confidered. 231 prayers on that head. And some unthinking people may perhaps, from a soolish delicacy, apprehend something offensive, if not indecent, in the use of a mere monitory form. But this can only arise from their being unacquainted with the Canons, and the reasons upon which they were originally framed, and now stand. For there is room for neither of these exceptions, when the drift and use of the bidding form is rightly apprehended.

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And, on the other hand, they who throw the whole into a prayer before their fermons, I mean a prayer properly fo called, with fuitable enlargements of their own, provided they keep to the order and effect of the canonical form, and do it likewife as the Canon admonishes, that is, briefly as conveniently they may, are by no means to be charged on this account with wilfully breaking or contravening the Canons: especially as they may plead a plenary indulgence for what they do, from the third class of Dispensations formerly treated of; that is to say, they may justify their own practice herein, from a common custom of the Clergy*, supported

This custom began to prevail early after the publication of the Canons. Heylyn, writing in 1637, tells us, that the usual form of bidding prajers was in a manner laid aside by all forts of men; among which he reckous some not otherwise ill assets to the order of the Church. So that it was then forced to plead it's birthright, and seek for repossession as ex possioninio. Misc. Tracts. p. 157.

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by a general tacit allowance of all the Ordinaries of the realm; nay, what is more, countenanced and approved by the publick example of many of the Bishops, if not of most

of them within the last age *.

NoR must I omit to speak a word or two in behalf of a third fett of Preachers, who take, as it were, a middle way between the two former, and instead either of abiding by the monitory form of the Canon closely and verbatim, which is too commonly diffelished by the auditors; or, on the other hand, using a prayer of intercession, which is against the tenor of the Canon; contrive, by a very honest policy, to difguife a real exhortation, by introducing it with an oremus, let us pray; the common invitatory fentence in all liturgick offices, and the most apposite expression that can be used for moving the people to prayer as the Canon directs. By this prudent expedient, they avoid the imputation of requiring others to pray for what they care not to join in themselves, and yet preserve the true nature and mode of an exhortation, They literally comply with the directions in the Ca-

But this was not to be said before the Restoration. For, according to Dr Heylyn, both the Archbishops, and greater part of the Bishops, used no other form than that of bidding or moving; and so did many ancient Doctors, both in the universities and in cathedral churches, who, being originally accustomed to the form of bidding, had not yet turned their stile to a form of praying. This is to be understood of their practice in the year 1637. Bid. p. 152.

Church of ENGLAND confidered. 233 non, and yet do not disappoint or prevent those who chuse to take what they say in the form of a prayer from taking it and u-

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IT is of no consequence at all to the subject for me to discover my own private opinion, (if it is not already collected from what I have faid) which of these three ways should be preferred as most eligible. Nor yet need I make any scruple of owning, that I have espoused in my own constant practice, from the beginning, this last way of accommodation just now mentioned. indeed relying therein altogether on my own judgment, (which is not much to be trufted now, but was less so when I first entered upon this practice) but influenced by the fentiments and perpetual usage of some very wife and difcerning persons, whose authority, in fuch a case as this, could not but have the greatest weight with me. Nevertheless I entirely leave you, my brethren, to to your own sense of the thing, and to act therein as in your own judgment you see best. cores, tien a porte of the days whomas

of connective on the Central in which to have now there force progetty I find, the

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Visitation Charge Anno 1746.

DISCOURSE XI.

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Upon the 56th and 58th Canons, about Preachers and Lecturers, and their habits in Divine Service.

Reverend Bretbren,

HOUGHI have perhaps oftener tried your patience, than given you fatisfaction in what I have hitherto discoursed upon the Canons; being a subject neither capable of being so embellished as to become entertaining, or of being so thoroughly cleared up, by any skill of mine at least, as to be altogether free from doubts and exceptions; yet as I do not know how I can better employ the time which you are pleafed to allow to the privilege of my office on these occafions, than in pursuance of the same scheme of commenting on the Canons, in which I have now made fome progress; I shall by your leave, and without further ceremony, proceed, as in due course and order I should. to the 56th Canon, intitled, Preachers and Letturers to read Divine Service, and adminifter the Sacraments twice a year at the leaft.

AND

Church of ENGLAND considered. 235

AND let us enquire first into this distinction between Preachers and Lecturers. For, as we find preaching and reading of lectures often mentioned in the Canons as two diffinct offices, one would imagine at first fight that these terms, Preachers and Lecturers, were defigned in this title to denote, as in other places, persons appointed and licensed to different functions. But the Latin title of the Canon forbids this interpretation, for in that they are indifcriminately called ministri merè concionatores. Which character, being common to both, will admit of no further diftinction between them than this following, viz. that the former, stiled the Preachers, were those persons, described in the Canons above. who had faculties to preach at large throughout a whole diocese or province, or throughout the whole kingdom: whereas the latter, stiled the Lecturers, were such as had licence to preach only in some particular church or chapel.

But neither doth this distinction sufficiently determine the persons to whom this Canon principally relates. For they are further described, in the body of it, by these following characters. The former are such licensed Preachers only as hold benefices with cure: ministri in beneficio curato constituti. And the latter are such only as the Canon stiles concionatores stipendiarii, persons licensed by the Bishop to some particular church

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236 The RUBRICS and CANONS of the

or congregation, upon an establishment of a salary independent on the cure of souls, whether they read lecture, (mind these words) whether they read lecture, or catechize, or preach therein.

In may not be improper, on the mention of these three offices to which Lecturers or stipendiary Preachers were appointed, to look back into the rise and use of Lectures in this kingdom, and to show how they became at last settled upon that sooting on which they now stand.

In the Popish times there were Divinity Lectures read publickly in the Universities. But these were chiefly formed from the schoolmen, and consisted for the most part in comments upon the sentences. The first that deserved the name of Lectures in Divinity, as being expositions of the holy scriptures, were begun in Cambridge, about the year 1524, by one Stafford* who was University Preacher; that is, one of the twelve whom the University had a power of licenting by a grant from the Pope of And, as these Lectures were profitable for the students there, so we find a like method of instruction was introduced into the convents,

Chorge Scavers, alias Stafford, of Durban, B. A. 1515. cholen Fellow of Pembroke tiall, &c. See Strype's Mem, Vol. I. p. 48.

⁺ See his life of Parker, p. 193. and App. No. 35.

CHURCH of ENGLAND confidered. 237 where persons * were licensed by the Bishop to read Divinity. And the Theological Lectures in cathedral churches were of the same fort, that is, intended for the use of Parsons, Vicars, and chantry Priests, who were enjoined to attend the faid Lectures +. And thus far they were fufficiently diffinguished from sermons or popular discourses.

BUT when they came to be introduced into parish churches, in the great and populous towns, either upon the fettlement of a stipend to support a Lecturer, or upon the voluntary contributions of the inhabitants. under the licence of the Bishop, it was natural to expect they would by degrees be converted into fuch practical discourses as the Preachers generally made. And fo it hath proved in the event. For, though the name of Lectures is still retained, yet they are become in effect one and the same thing with preaching; this difference only remaining, that a Lecture is a Sermon extra ordinem, performed by a stipendiary Preacher, as being no part of the duty incumbent on the Minifter of the parish; and on such days, or at where they link had one fluided the co

+ See King Edward VI's Injunctions to the vifitors of the churches of Westminster, London, Norwich, and Ely. Strype's Mem. Vol. II. p. 47.

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[.] Sbaxton's letter to Cromwell, relating to the Reader of Divinity in the Abbey of Reading in his diocese, whom he had inhibited, on account of ignorance, and falle doctrines.

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fuch hours, as that they do not interfere with his offices and ministrations. What indeed comes the nearest to the old design of Lectures, are those that are appointed to be read yearly on particular subjects, as Mr Boyle's and Lady Moyer's Lectures, and likewise such Catechetical Lectures as are kept up by the Clergy in some large and populous towns.

Bur to return now to the subject of the

I T is to be remembered, that, before and at the time of compiling these Canons, there were feveral licented Preachers who made it their whole business to exercise their talent that way, some of whom had benefices with cure, but were nevertheless allowed to have fubilitutes in their own churches, that they might the better attend the bufiness of preach ing abroad, Can. 47. Now it was only thefe men who had churches or cures of their own, where nevertheless they did not reside by virtue of their preaching licences; and the Ripendiary Preachers who discharged an extraordinary duty in fome particular churches where they had no cure, that are the perfons intended in this Canon under the title of mere Concionatores; and the delign of the Injunction is plainly this, that peither the one nor the other should hold themselves exempt from the ordinary ministrations of the church, by virtue of their preaching fafoul culties:

CHURCH of ENGLAND considered. 239 culties: but that both of them should give proof of their conformity to the established service and rites of the Church, and should repeat that proof annually; the Preachers in the churches where their benefices lay, and the Lecturers in those where their respective

Lectures were founded.

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AND the reason of this Injunction may be gathered from a circumstance of those times. which I have before taken notice of for the explaining fome of the former Canons, viz. a prevailing puritanical disposition in many of the Clergy, who, though they gladly executed the office of Preachers, yet were not fufficiently reconciled to the book of Common-Prayer, and stated offices of the Church. Therefore as those Preachers who were beneficed, and kept Curates, might excuse themselves under that pretence for not officiating in their churches at all; and as ftipendiary Preachers in general had no concern in the cures, and were not obliged to any of the ordinary ministrations by virtue of their endowments; it was held proper to lay all these persons under a special obligation, enforced by a penalty, to shew their conformity to the established communion at least twice in every year.

AND in this respect the Canon is subsidiary to the gath, concerning the voidance of licences of such Preachers as refused conformity; for, if certain times and places had not been limited

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limited for a trial of their conformity, how could they have been admonished for their refusal? And especially the Lecturers who had no churches, wherein they could claim a right of ministration, till this Canon gave a claim; whereby they can demand of the parochial Minister a liberty to read Divine Service, to baptize, and administer the Lord's-Supper twice in every year: and whereby consequently the parochial Minister can demand this service of them.

THERE was another use of this Canon. which I must not omit to mention, and that was the calling every beneficed Minister, however licensed to preach abroad, or however occupied in that work, twice a year at least to his own cure; and obliging him, ordinarily speaking, to attend it on two of the principal Festivals in the year; for on those only was the Sacrament of the Lord's-Supper usually administered in those days. And the like good effect it would necessarily have upon a pluralist, by obliging him to attend the cure on which he did not refide, on some two of the great Festivals of the year, nif not oftener, for the fake of adminifiring the Sacrament of Baptism, and of wind

And this I the rather take notice of here, as it is the only point, in which we of the parochial Clergy feem to be concerned with the Canon at this time of day. For it is certainly a very feafonable admonition to all of

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CHURCH of ENGLAND confidered. 241 us who are possessed of benefices, to attend our cures at certain times of the year, and, if possible, on the great Festivals, notwithstanding we keep able resident Curates. None of us indeed can be supposed non-refident upon the reasons of the Canon, that is, for the fake of preaching abroad; what comes the nearest to this is the case of beneficed Lecturers, who are absent from their cures to attend their lectures: and fuch would do well to confider how far they stand admonished, by the first clause of the Canon, to a yearly personal presence in their own churches: neither is there that occasion now to question any Clergyman's approbation of the rites and ulages prescribed in the Liturgy; that there formerly was; and, therefore, that, which was the foundation of the Injunction, feems now no longer to fublist: (and for this reason, I presume, the Ordinaries are confenting to drop all particular enquiries into this test of conformity) yet the vifiting of our own churches in fome part of the year, and doing service therein, which was rendered necessary and indispensable by the Canon, is nevertheless highly expedient and fitting to be done, in our prefent circumstances; though not as a test of our conformity, yet at least as a duty that we owe to our parishes, and to the established Communion, to which we have engaged to conform ourselves.

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AFTER all, fo many of us, whether Preachers or Lecturers, as adhere to the letter of the Canon, and observe it punctually, do well. And they who pay a regard only to the reason of it, by reading the service and administring the Sacraments in their own churches, as opportunities do offer, though it may be not according to the very letter of the Injunction, must not be blamed; foeing they may plead that kind of dispensation, which I have often before spoke of, viz. A general tacit allowance of our Ecclesiastical Governors, who do not infust upon a formal difcharge of these duties twice a year, with those who answer all the ends of the Canon, in a more compleat, though perhaps a less punctual, manner. For it is not intended by our Gamons, as Archbishop Parker fays in a letter * to the Bishop of Norwich in 1571, that every thing should be so precisely kept, but for the most part, and as occasion of edification should requiet ni endocado ano

THE 57th Canon, which comes next in order, and is intitled the Sacraments not to be refused at the bands of unpreaching Missisters, may be passed over, as the design of it was wholly and solely to guard against an error, which is neither held nor so much as thought of in these days, whatever scru-

See Strype's life of Parker, p. 337 11 1100 11101

CHURCH of ENGLAND confidered. 243 ples might heretofore have been raifed upon it.

AND upon the 58th Canon, which enjoine Ministers reading Divine Service, and administring the Sacraments, to wear surplices, and graduates therewithal boods, I need fay the less, because it is superseded by the Rubric before the Common-Prayer in 1661, which is statute-law, and determines that all the ornaments of the Ministers, at all times of their Ministration, shall be the same as they were by authority of Parliament in the second year of King Edward VI. So that the Injunction concerning the habits and ornaments of Minifters; which is at the end of King Edward VI's first Service-Book, with it's explanation in the act of Uniformity by Queen Elizabeth, is the legal or flatutable rule of our church-habits at this day *: and is fo far from being explained by this Canon, that it rather ferves to explain the Canon itself: as I shall shew in an inflance or two. For, first, this Injunction of King Edward's, referred to in our present Rubric, though it requires the

Marsing and Evening proper; and upon the acth clause of the Act of Uniformity, prime Eliz.

See also what is said in these Discourses, abi sapra, p. 80, 81, 82, in the IVth Discourse upon the Rubrics in general. Also by Dr. Grey, in his Abridgment of the Codex, p. 113-m

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Surplice

See Wheatley's Rational Illustration, &c. Fol. p. 104. Rubric, p. 4, 3, 4, 5, 6. And Nichalls upon th

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furplice to be used in all parish churches, and chapels annexed to the same, yet doth, in express words, give liberty to the Clergy to use, or not to use, the surplice during their ministration in all other places. Which is an indulgence that the Canon doth not expressly give, and it may be some question, whether it can be fairly inferred from it.

AND the other thing I would observe in the faid Injunction is, that no order is given therein concerning the use of the hood with the surplice in parish churches, though the fame is allowed to be used by dignitaries, in cothedral churches, and Masters and Fellows of Colleges, being Graduates, in their own College Chapels. Therefore, as I take it, the clause in this Canon, which enjoins Graduates to wear the hoods of their respective degrees in parish churches, is not strictly binding; forafmuch as the present Rubric; which is of later date, and decifive of all questions about the habits in Ministration *. refers us to a rule by which the faid practice our prefint Rubile, though about the large ronsi

And yet there is a very great question made about the true sense of this Rubric itself. Dr Grey imagines that it refers to King Edward's second Service book. It should seem, says he, to be understood according to the alterations made in the second book, 5th and 6th Edw. VI. For the first Service book enjoins, besides surprises and boods, at the Communion Table also and tunicles, and to the Bishop a passoral staff. Dr Bennet supposes the said Rubric to be limited by Queen Klix. Adverposes the said Rubric to be limited by Queen Eliz. Advertifements

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But I do not mean hereby in the least to except against the use of Graduates wearing their hoods in their several churches, for which not only a Canon, but a general custom thereupon, may be pleaded, any more than I would condemn the disse of copes, albs,

tisements in 1564, and by her Canons in 1571. And by King James I's Canons in 1603. See his Paraphrase with

Annotations on the Common-Prayer.

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Bishop Cosins stands up for the compleat restoration, and strict propriety, of all the ancient Ministerial habits enjoined by King Edward's first Service-book; (see p. 17 and 18 of the additional notes at the end of Dr Nicholl's Comment on the Liturgy). Dr Nicholls is of the same opinion, but expresses himself with more dissidence, only putting this question, if the ancient ornaments, and no other, ought not to be used at this day? (see his note at the end of the Act of Uniformity in the first of Eliz.) Mr Wheatley insists upon the said ornaments being enjoined by our present Rubric, but contents himself with observing that some of them are obsolete and grown out of use. (See his Rational Illustration.) The author of the Rubric examined (8vo. Lond. 1737.) goes wholly in Dr Bennet's way (p. 8, 9, 10, 11.) and takes for granted, that the Rubric is authentically limited by the Advertisements in 1854, and Canons of 1603.

Now under this variety of sentiments about the sense

Now under this variety of fentiments about the fense and extent of this Rubric, when it is said to be decifive about the habits, no more is meant than that it is the rule, however understood, by which our habits ought to be now regulated to point in which all parties agree) and that no Canon should take place in enjoining any thing contrary to it or inconsistent with it. But there is no way in which the Rubric can be so explained, as to include the use of Graduates hoods in parish churches, or of black uppers to non-graduates, during the ministration of Divine Service. The former being restrained to be used only in cathedral and collegiate churches and chapels, or by Graduates in the pulpit, both in King Edward's first Service-book, and in the Queen's Advertisements 1564, and in the Canons of 1577. And in none of these

is the use of the tippet once mentioned.

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and tunicles, fince both Canon and custom may be pleaded for that disuse also. The whole truth of the matter is, that both the use of hoods, and distuse of copes and tunicles, are now fo notoriously and universally allowed of by the Ordinaries, that, although neither of them could in strictness be reconciled with the letter of the Rubric, yet we are not bound, at this time, to make any alteration in our practice. For whatever our Governors in the Church do openly and constantly permit, and consequently by a fair construction approve of, whether it will be admitted as a good interpretation of Ecclefiaftical Laws or not, yet there is no doubt it is a sufficient dispensation for the continuance of the usage, till further order be taken therein; and more especially in all doubtful or disputable cases, the resolution of which is left to the Ordinary.

I CANNOT distributes this article, without giving you another remarkable instance of the prevalence of custom in these fort of usages, under the approbation of the Ordinary; and the rather, because it is an instance that falls within the subject of the present Canon, and is also of peculiar consideration to us of this diocese; in which alone it is to be met with. It is the constant use of the surplice by all Preachers in their pulpits. And it is said to have taken rise from an opinion of Bishop Cosins, that as surplices were

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to be worn at all times of the ministration, and
preaching was properly the ministration of the
word of God, therefore surplices were to be
worn in the pulpit as well as in the desk, or

on other occasions of the Ministry.

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ONE cannot speak otherwise than with reverence and due respect to the authority of to great a ritualist as Bishop Cofins was. Yet it is manifest there is nothing in our Rubrics, that doth directly authorize this usage, or in our Canons that doth countenance it; nay there is formething in both which would discourage, if not forbid, such a practice. The Canons limit the use of the surplice to the publick proyers, and ministring the Sacraments, and other rites of the Church; fo doth our Rubric concerning habits, if it be ftrictly interpreted of King Edward's order in the second year of his reign; for there the furplice is only to be used at mattens, evenlong, in baptizing and burying in parish churches. And then there immediately follows this permission, that, in all other places, every Minister shall be at liberty to use any surplice or no; and also a recommendation to such as are Graduates, that, when they preach, they should use such boods as pertained to their severol degrees. Here then is fufficient warrant for using a hood without a surplice, as is done to this day at the Universities, but no appearance of authority for the afe of furplices arm R4

248 The RUBRICS and CANONS of the plices in the pulpit. If it be faid that a cufrom has prevailed over the Kingdom, for Bishops to wear their habits of ministration whenfoever they preach, whether they officiate in other respects or not, and that the inferior Clergy cannot follow a better example; it may be answered, that what the Bishops do in this respect is founded on ancient Constitutions. By the Canon Law they were obliged to wear their rochets, as their diffinguifhing habit, whenever they appeared in publick; though fince the Reformation they have not used to wear them any where in publick but in the church and in the House of Lords. And it is the more proper they should continue the use of their publick habit, whenfoever they preach, for the better distinction of their characters on that occafion from those of the inferior pastors: seeing there is no fufficient diffinction preferved in their ordinary habits. Which the grant

ALL then that I would observe upon this custom of preaching in surplices, is, that none of us are obliged to it; though at the same time I intend no censure of the practice. For it is certainly decent, and with us without exception, though it be no where authorized, otherwise than by a prescription within this diocese.

JHAVE nothing more to add upon the 58th Canon, than the observation of a great man

CHURCH of ENGLAND confidered. 249 man upon it *, that it did not well confil with the 14th Canon, which enjoins the Conformity of all Ministers to the prescript form of Divine Service, rites and ceremonies in the Liturgy. And, from what has been faid, you may gather from whence this exception against their consistency is taken; for it is most certain that whereinsoever the 58th Canon doth not well confift with the general Rubric before morning prayer; as I have shewn in one instance, viz. the wearing boods and tippets in parish churches, it doth not; therein of consequence it will be found in the same degree inconsistent with the 14th Canon. But then it is to be noted, that, faving this fingle instance, every other exception against this Canon is at least as disputable as the true meaning and extent of the rubrical order with which it feemeth inconfiftent. And therefore till it be fully agreed, (which at present it is not) how the

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Speaking of the difuse of the ornaments prescribed in the

fecond year of Edward VI, he proceeds thus:

If any man shall answer that now the 58th Canon hath appointed it otherwise, and that these things are alterable by the discretion of the Church wherein we live; I answer, that such matters are to be altered by the same authority wherewith they were established; and that if that authority be the Convocation of the Clergy, as I think it is, only that, that the 14th Canon commands us to observe all the ceremonies preserbed in this book, I would fain know how we should observe both Canons.

Additional notes at the end of Dr Nicholl's Comment. p.

18. This is supposed to be Bishop Overball's,

faid Rubric is to be interpreted, and how far it will conclude and determine our practice, (of which the compilers of our Canons might not have just the same sentiments with some of our modern Ritualists) it does not seem reasonable to complain of a disagreement or contrariety in our Canons.

and the constant of the second week that the first of the constant with the constant of the co

distance of the same paints in also also de the first decide incommittees with the right Canonic that the to be point that lave ing this fingle inflance, secret action where Links on they are a some particular and table in the ever partition and every all the the decree of decides debut estate decider. continued to the second of the fall of erced, (which as ordered true see a hank the of Annales that I would be one or the edition of preschion as for ortani balandan samanzantan'i sa maini ali lo quelesa. the distribution of the contract of the contra sepanded a street wife, and that dielections is a freehold by the differences of the Church we can be lived it induces, that has a water we called the characters as the Church we shall and a continue whether with allow were established a sens of table surposed bounded Visitation Additional sorte of the of Dr. World's Comment p.

his

Visitation Charge Anno 1747.

DISCOURSE XII.

Upon the 50th Canon, concerning Catechifing.
And the 62d, concerning Marriages.

Reverend Brethren,

In pursuance of a commentary I am ingaged in, upon our present body of Canons, so far as they relate to the parochial Clergy, and the due exercise of their function in this established Church; the next point I am to take in course is the order about Catechizing in the 50th Canon: which is intitled Ministers to Catechize every Sunday, though the Latin title is only Catechizandi diligentia ministris injuncta. The order however given in the body of the Canon, whether English, or Latin, is the same, viz. that Ministers should catechize not only every Sunday, but every boliday too.

UPON which a question would arise, how far we are bound to observe this order strictly and according to the letter, if another question did not offer itself to be first determined, and that is, whether we are bound

by this Canon at all?

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THE reason of putting this query is evident. There is a Rubric in the Liturgy at the end of the Cathechism for the direction of Ministers in this matter; which is indeed properly the direction of the Canon new modified with respect to the Clergy, though the Injunctions on parents, masters, and mistresses, stand verbatim the same in both. The Canon fays the Minister shall cathechize every Sunday * and boliday. The Rubric only fays, upon Sundays and bolidays: from whence, as I formerly observed + upon that Rubric, no obligation could be urged that Ministers should catechize upon all Sundays and bolidays. In which I have the concurrent opinion of some of the strictest Ritualists 1. The Canon further enjoins that it be done before Evening prayer ; but the Rubric fays, after the fecond leffon at Evening prayer. The Canon requires it should be continued for balf an bour & or more: the Rubic leaves the time for the performance indefinite.

not Urven in the body of the Canon, whe-

In King Edward's second Liturgies, the time specified is once in fix weeks at the least, upon some Sunday or boliday. — In Queen Eliz. Injunctions it is, upon vorry beliday, and every second Sanday in the year; Inj. 44. Speciews. Collection. See also Wheatley Fol. p. 365. And Gibson's Cod. p. 452. † Discourse IV, ubs supra, p. 82. † Additional notes on the Catechism, printed at the end of Dr Nichells's Commentary, p. 58.

And thus it stood also in the old Rubrics, viz. before

Evening Song.

§ Pomeridiani temporis boram primam Minister explicando Catechismo tribuat, vel aliquid eo amplius si videbitur. Ref.

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Upon these accounts Mr Wheatlev is at a loss how to reconcile the Canon with the Rubric *. And so must every body be who compares them together. But the comfort is, there is no need of any reconciliation, when there is no need that both should stand. The latter directions, supposing their authority only equal, would supersede the former. The Rubrics, in all the old prayer books till the last review in 1662, did agree with the Canon in this matter. But, as the alterations upon the revifal then made of the Liturgy are more authentick and more binding upon us than the Canons are, we can be under no difficulty in determining by which of them to fquare our conduct in this bufiness.

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WHETHER indeed these changes made in the Rubric have really been for the better, may be much doubted +. But that we

Leg. c. 9. Omnibus Dominicis & Festis diebus, statim a meridie præsto erunt in templis ibique minimum ad duar horas legent & docebunt Catechismum & in eo instituent, &c. Can. 1571. Sparrew, p. 233. The variety of these directions alone seems to be a good reason why the time should not be precisely fixed.

Rational Illustration, &c. p. 365. 11 7111 2001 Activit + The reason of the alteration was, that, the Catechism being performed in the midst of Divine Service, the elder persons as well as the younger might receive benefit by the Minister's expositions, &c. — But the worthy persons who made this alteration, have been miserably disappointed in their good intentions, for this very thing has drove Catechism almost out of the Church. Nicholl's Comm. first part at the end of the Catechism.

But perhaps this remark relates chiefly to the London are sewordly that a ciple and excellence of these directions, an

254 The RUBRICS and CANONS of the are to abide by them, and not by the Canon, in this case, will I suppose admit of no doubt.

However, let it be observed, that all that part of this Canon that relates to the power of the Ordinary in censuring neglects of duty herein, whether it be in Ministers, or in parents, masters, and mistresses, remains yet in it's full force. With this only difference, that the neglect of Ministers, to be censured by him, is not to be measured any longer by the rules laid down in the Canon, but by those which were fince enjoined by the Rubric.

THE two next Canons (viz. 60 and 61.) respecting Confirmation, I shall intirely pass over: the former of them, because it relates to the Bishops only; and the latter, which relates to the inferior Clergy, because there is nothing either in the design or wording of it, but what is so obvious, plain, and unexceptionable, that it needs no illustration.

I could wish indeed both these Canons were more strictly and punctually observed than they are: because the frequency of Confirmations injoined by the one, and the great care to be used for securing the real benefits of it to our people enjoined us by the other, are as probable means as any I know of in the world to promote true Religion among mankind.

But

I earnestly intreat my brethren of the Clergy to consider seriously the weight and excellence of these directions, and

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But to proceed. The next Canon to these, relating to the solemnization of Matrimony, (being the 62.) though it appears, on the first transient view of it, to be so plainly worded, that nothing should seem needful to be said by way of explication, and contains not only so severe but so certain and unavoidable a penalty * in case of conviction, that nothing should seem needful to be said by way of caution, yet it must not be passed over without some reslections, which I flatter myself you will not think unseasonable.

THE Canon is divisible into three parts, which will afford as many distinct considera-

tions.

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THE first part, or clause, is to this effect, which is also the title of the Canon; that Ministers are not to marry any persons without banns or licence.

THE fecond part consists of conditions to be observed in all Marriages, whether with licence, or banns.

of what unspeakable advantage it would be for the promotion of Christian piety, if Confirmation were duly administred, and none but such as are sufficiently prepared were admitted to it, see. See. Branc's Paraphrase, Gr. on the Com. Prayer, p.

This penalty of suspension per triennium ipso facts, though it will act take place till it be judicially declared, yet is not to be dispensed withal, or even mitigated, after the crime is proved. — And, because this was not found sufficient to deter some Ministers from acting contrary to the Canon, it was further snasted in the total of Queen Anne, c. 39. That every Minister so offending should forfeit for every such offence the sum of 100 f.

AND

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AND the third part is a further condition to be observed in all Marriages of persons under age.

the same penalty, viz. suspension per triennium.

order. via cale of converse of converse order.

THE first point is general and absolute, that we are to join none in holy Matrimony without banns or licence.

WHEREIN I would observe, that by this Canon a licence doth nothing more than barely supply the place of banns. It doth not make any other change in the rules of our ministration in the office of Marriage; it is only an equivalent to the previous publication of banns, or a certificate of such publication in another parish. And therefore the true nature of a marriage licence is commonly expressed in the Latin Canons by bannorum legitima dispensatio*, or by words to that effect.

These are the words in the title of the next (63) Canon. The like are used in the title of the present, Ministri, sine banmis rite indictis vel legisime dispensatis, matrimonium celebrare prohibiti.

They are elsewhere phrased Induspration pro celebratione matrimonii absque trind (vel trinundini) baseorius demuciations.

Artic: pro Clero. 1584, and Conflitts. Recl. 1597. Stargest's Coll. p. 104 and 249.

But the plainest and most natural expression is in Canon 104.

Quod si uterque contrahentium in viduitate constitutus probannis omittendis dispensationem petierit, &c.

Is it be faid that the officiating Ministers powers are sometimes enlarged by virtue of of the licence, or faculty, beyond what they are in the common way of Marriage by banns, I must be leave to say that this is a mistake*, though I do not deny that, in some licences, certain grants may occasionally be found which have no footing of authority to stand upon. The truth is, both the Ordinaries and their Surrogates are limited in their powers by certain canonical restrictions, which if they break through, their licences are so far void and of no effect, neither will they indemnify Clergymen for acting upon them in any of the invalid articles.

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WE are required in this Canon, which prescribes our duty in regard to Marriages, to look upon nothing as a faculty or licence, but what is granted by some of the persons expressed in these Constitutions, viz. in the 101st Canon. And by the same rule we must look upon nothing as a legitimate dispensation, even from these authorized persons, but what

One would almost suspect indeed from an expression in this very Canon, viz. when banns are thrice asked and no licence in that respect necessary, that a licence might be necessary in some other respects.

But the Latin which is often useful in ascertaining the sense of the English, will not permit any doubt to be made about the true meaning; for it is, etiamsi trina bannorum indictio precedictly, nec usla prointe dispensatio requiratur, &c. viz. Therefore, (or for that cause, because banns have been thrice published) no licence is necessary.

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is granted upon the conditions that are likewife expressed in these same Constitutions, viz. in the 102d and 103d Canons. So that a licence defective in the form is as infufficient to our purpole, as if it was granted by a wrongful power. If a licence indeed had the risture and force of a command, or was an authoritative order from our superiors, we might not perhaps be allowed the liberty of excepting against the form of it, but should be held to the execution of it's purport. But, if you please to observe, these Marriage licences, although they be granted in the most unexceptionable manner, and in perfect conformity with the Canons, yet they infer no command, no Injunction to the Minister to act upon them, but only a permission to execute them, if he have no reasons to disapprove them. But nevertheless if he be apprized of any legal objection or impediment, why they should not take place, then they become prohibitions, or Injunctions to forbear the fulfilling of their purport, at least till such time as the Ordinary can be confulted upon the supposed impediment. - From all which it appears, first, that a licence doth nothing more than prevent the necessity, or excuse the omission of publication of banns. And, fecondly, that any reason whatsoever that ought to hinder or retard the folemnization of Marriage after banns thrice published, will CHURCH of ENGLAND confidered. 259 will be equally good reasons for refusing or suspending compliance with a licence where the like circumstances occur.

AND to much of the first point.

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on d, ill LET us now take the second into confideration, which was the conditions to be observed by Ministers in all Marriages, whether with licence or banns.

THE clause in the Canon is this:

" NEITHER shall any Minister upon the "like pain, under any pretence whatsoever,

" join any perfons, fo licenfed, in Marriage at any unleasonable times *, but only be-

" tween the hours of eight and twelve in the forenoon; nor in any private place, but ei-

"ther in the faid churches, or chapels,

" where one of them dwelleth, and like-

" wife in time of Divine Service."

In which clause there are two places to be corrected by, and not to be rightly understood without consulting the Latin Canon. For whereas it is here faid, that no Minister shall join any persons, so licensed, in Marriage; the Latin hath it, neque ullus Minister inter quashibet personas (quantumvis ejustical)

* Unfeafonable times have no relation here to the Popish Canons, by which Marriage was prohibited at certain times of the year, as Advent, Lent, &c. but only to unseasonable hours of the day.

See Gibson's Cod. p. 518. — Wheatley, on the Common-Prayer, Fol. p. 388 and 389. — And Dr Nichold's Commentary on the Rubric before Matrimony, upon the words, at the time appointed.

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modi facultatem seu indulgentiam babentes) quocunque prætextu matrimonium sollennizabit. And the quantumvis, with what follows relating to a licence, is included in a parenthesis. So that the plain meaning is, that he shall join no persons whatsoever in Marriage, (notwithstanding some of them be licensed) but on the following conditions.

One of which conditions, as expressed in the English Canon, is, that he shall not do it in any private place, but either in the said churches, or chapels, where one of them dwelleth. The meaning of which must be, that he shall not do it any where but in one or other of the said churches, or chapels, where one of the parties dwelleth, as is manifest from the passage as it stands in Latin, sed in ecclesis tantummodo vel capellis ubi partium altera commoratur.

THESE observations premised, we have three conditions here specified to be observed by us in all Marriages whatsoever that we solemnize.

FIRST, that they be celebrated within the canonical hours. This neither needs a comment nor an admonition. The rule is plain, and the practice is generally conformable to it.

SECONDLY, that they be performed in the church, or chapels, where one of the parties dwells.

AND, thirdly, that they be folemnized in time of Divine Service.

Thom:

THESE

CHURCH of ENGLAND confidered. 261

THESE two last are points of greater moment, though less observed, and therefore I must beg your leave to take some notice of them.

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MARRIAGE ind the parish church where one of the parties lives, is a standing Injunction of ancient as well as modern Canons. Neither doth a licence dispense with a Minister who acts contrary to this rule, as Mr Wheatley well observes. It is true, faculties of Dispensation on this head were very early and very frequent here in England, but they were restrained at different times: as more particularly by the Constitutions in 1597, which enjoin the licences to be always directed to a parish church where one of the parties inhabited *. From whence the same Injunction seems to be transferred into the 102d Canon, as a condition to be always observed in granting of licences +, and into this Canon we are now confidering, as a condition to be always observed by the

See also the form of a licence at the end of the said Conflitutions, where the blank for the name of the parish is filled up with — exprimendo ecclesiam alterius contrahentium vel parentum aut gubernatorum.

They shall celebrate the said Matrimony publickly in the parish church, or chapel, where one of them dwelleth, and in no other place.

S 3 Clergy

^{*} Under the article de moderandis indulgentiis, &c.— Præterea in ipfo dispensationis sive licentiæ tenore ecclesia habitationis sive commorationis alterius contrahentium vel parentum & gubernatorum suorum exprimatur. Sparrow, p. 270

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Clergy in executing those licences. To the like purpose is a clause in the 104th Canon, viz. that the parishes where the parties dwell shall be expressed in the licence, and also the parish named where the Marriage shall be celebrated *. And if any commissary for faculties, &c. shall offend in the premisses, or any part thereof, he shall be suspended for fix, months and the licence held void to all effects, &c.

NOTWITHSTANBING all which precautions, we may fometimes meet with licences directed to a parish church, where neither of the parties dwell, nor have any the least concern, but how to get married there in the privatest manner possible. No doubt this lays the Minister, to whom the licence is so respectfully directed, under a great temptation to transgress his rule, seeing the Ordinary, or his Surrogate, is first in the fault, and hath set him an example of irregularity in this matter.

But, not to go too far into this unwelcome subject, let us examine into the other condition required by the Canon to be observed in all Marriages of all manner of persons, viz. that they be celebrated in time of Divine Service. Tempore precum publicarum,

This is taken from the end of the form of a licence in Conft. Eccles 1597, viz. Parochie utriusque contrahentis in licentia exprimenda funt, ac parochia abi matrimonium celebrabitur designanda. Sparrow, 291.

CHURCH of ENGLAND confidered. 263 favs the Latin Canon. What shall we fav to this? All the Constitutions are full and express, that Marriage ought ever to be performed in facie ecclesia, in conspectu populi, openly and publickly as may be, for the greater notoriety and stronger testimony of the thing itself *, as well as for the greater solemnity of the performance of the facred rite. Our Littingies always prefume it to be so performed, and mention is made in the Office, as it stands both in the old and in the prefent prayer books, of a fermon as well as of a communion at the time of Marriage. Nay, what is more remarkable, the licences do all presume upon it too. They represent the parties as very defirous of obtaining their Marringe to be folemnized in the face of the church, and that the licence is therefore granted that all Divine Offices, is made on thefe occasions

Lyncuoed upon a Constitution of Walter's. See Gibson's

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Codex, p. 518.

And, if there could be any doubt of what is meant by facies ecclosie or conspectus populi, yet our Canon hath sufficient-ly explained it by time of Divine Service. And so hath the Office, itself which speaks both of a fermon and a communion at the time of Marriage. In all the old prayer books till the last review, the Rubric before the exhortation at the end of the Office stood thus:

"Then shall begin the Communion, and, after the Golpel " shall be faid, a Sermon, wherein ordinarily (so of as the

" loweth.

Facie Beclefie, id eft, confpectu ecclefie; populi fcilicet congregati in ecclesia.

is any Marriage) the office of a hulband and wife shall be declared according to holy scripture, or, if there be no fermon, the Pressyter, or Minister, shall read this that fol-

264 The RUBRICS and CANONS of the fuch bonest defires may the more speedily have their due effect: they are granted also with this proviso, among others, that the said Marriage be openly folemnized, and freely, and lawfully, in the manner and form, and according to the rites and ceremonies prescribed in the book of Common-Prayer:

Bur now if these manifold directions are generally so executed, that the Marriage can neither be faid to have been done in the face of the church, nor in the fight of the congregation, nor in time of Divine Service, and therefore cannot properly be faid to be celebrated, or folemnized; if, instead of being performed openly and publickly, it is industriously contrived to be transacted in the most secret and clandestine manner , and the church itself which should lie open, during all Divine Offices, is made on these occasions the most private, guarded, and inaccessible recess, perhaps, in the whole parish; furely there must appear a strange dissonancy and contrariety between prescription and practice. Nor will it seem an easy matter to account for to general a deviation from rule.

Mr Wheatley indeed contents himself with laying that the practice, viz. of having diwine or publick fervice at Marriages, is now almost by universal consent said afide. But it would have been more fatisfactory to have

given some good reason why it is so, worth

To

CHURCH of ENGLAND confidered. 265

To alledge, that it is doing no honour to Divine Service to introduce into it the levities which are too apt to accompany this particular Office, especially when publickly solemnized, has the colour of a rational plea. It is reason enough, I must confess, to discourage any man from attempting to revive the old practice of open folemnizations in fervice time, but it is not the reason why the said practice was at first discontinued. Our forefathers were not unapprized of the same ineonvenience *, just now spoke of, attending upon open celebrations of Marriage, yet they made no alterations in their Constitutions: the benefits of notoriety were, in their fight, more than a ballance to these other comthe, or indeed for people the new restricted

No; the true reason, as I take it, of surceasing all publick solemnizations, must be traced back to the introduction of licences, which were first granted, and granted only

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^{*} Matrimonium ficut alia sacramenta cum honore & reverentlà, de die, & in facie ecclesiæ non cum risu ac joco, ac contemptu celebretur. Walteri Constit. — Vide Gibson's Cod. p. 18.

⁺ Neque contracturi in secreto sidem dent, ibid. Othobon hath a Constitution, ne quis impediat matrimonium celebrari in sacie ecclesia. The reason given is per quam (viz. in conspectu hominum solennitatem) prout expedit, omnibus innotescat.

tu hominum folennitatem) prout expedit, omnibus innotescat.
So in the Constitutions Articuli pro Clero in 1584, and
Ecclesofices, 1597. Et ulterius quod matrimonii celebratio
publice ac tempestive in facie ecclesia sat. Sparrow. p.
195 and 249.

to persons of rank and figure *, whose shines and delicacy in this nuprial ceremony, meeting with a correspondent tenderness in the Governors of Ecclesiastical affairs, gave the first rise to special faculties for Dispensation of publick hans. And thus the offence of the first publication was got over. What wonder then, if the same kind of tenderness should prevail by degrees upon the inferior Clergy too, to lend their aiding hand to soften the offence of notification on their part also; and, in short, to make the Office as private and unsuspected as possible?

AND, if this might be done for persons of fortune and distinction, why not also for persons of less quality, and lower figure in life, or indeed for people of no rank or confideration, if the Ordinary thought fit (for any other reasons, though against Canon) to admit them to the like favour? And if this might be done for persons of no rank or figure, because they could purchase the faculties, why not to all manner of pensons whatsoever, whether they came to be married with licences or not. Thus have the

And to faith perform only as be of good flate and quality. Can rot.

Honelta, clare, ac illuft'is conditionis homines, five argente aliqua necessitate five alias non contempende vationibus.

Nec were alia concedanter hojulmod nili indulgentia quam illustris à clara conditionis bominitus, nist argent necessitatintercesserit eaque judici cognita fuerit. Conft. Eccl. 1597. Sparrow, p. 250.

breaches

CHURCH of ENGLAND confidered. 267 breaches made in the Canons been gradually widened, and the folemnity of the nuptial

ceremonies gradually streightned.

IT was, to be fure, almost an impracticable thing, for the officiating Clergy to abide by their rules, after faculties became common and were in fashion. They who take them out aim always at privacy more than any thing besides. And shall their Minister, to whom the faculty is directed, defeat their principal view at once? And under pretence of a Canon marry them in publick and at church time? This will not be endured. It will pass for usurpation and arbitrary power in the parochial Clergy. Neither will it be easy to make the parties understand how it should happen, that the same Canons should allow the Ordinaries to dispense with publick banns, and yet not to difpense with a publick wedding; or how the Clergy may be authorized to drop all publication of banns in time of Divine Service, and yet have no power to celebrate the Marriage itself out of time of Divine Service. Much less will they be perfuaded, that the licence itself carries in it, and along with it, this very thing which feems to them fo inconfiftent: for, whatever benefit of privacy they may expect from it, yet the plain sense and effect of it, as it concerns the Minister, is this, viz. "You are indeed permitted hereby to marry " these parties without publication of the banns. " But nierein.

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"But take notice you must folemnize the "Marriage openly, and in the face of the "church, and according to the rites pre"scribed in the Common-Prayer book, and "published by authority of parliament." For otherwise this licence is by no means

your indemnification. And an enew jone non

LET either the Minister, or the parties, remonstrate, to the granters of these faculties, the invalidity of them for the main purpose intended in procuring them. The answer will be, that the Clergy are not bound by them; they are at liberty whether they will comply with them or not. Very true; and here lies the dilemma the Clergy are brought into by these licences, they must either necessarily break the Canons, or they must unavoidably quarrel with the best of their parishioners.

Well then, what have the Clergy to fay for themselves upon this article, of not solemnizing Marriages publickly, and in time of Divine Service as the Canons enjoin, and especially in cases of licences, which enjoin the publick solemnization as well as the Canons? I hope they have a better plea, than either the extraordinary see that is customary on such occasions, or the certainty of exemption from the penalty under shelter of the licences. These pleas would scarce suffice. But this they have to say for themselves; viz. that they not only act safely herein,

CHURCH of ENGLAND confidered. 260 herein, and unblameably in the eyes of men, having indeed the majority of mankind on their fide, and acting herein according to every body's wish, but they have something more than a tacit Dispensation from their own Ordinaries. That all these kind of compliments to the brides and bridegrooms were originally begun to be paid by their fuperiors in the Church, who have led them the way, and shewed them the example of fuch extraordinary civilities on those occafions. That, if they were not to act in confiftence with those supposed advantages which tempt people to take out licences, they must inevitably draw a clamour upon themselves for a fault that was not their own, and not only fo but they would bring the licences themselves into disrepute, and render the acts of their Ordinaries of no value. That there is no reason, if the Canons must be strained. why the rule should not be made general, and be extended as an indulgence to all perfons equally, whether they be married with licence or only by banns. That their Church Governors have not only, by their connivance at this privacy of weddings with banns, encouraged them, but by their frequent grants of licences, and allowance of the practice upon them, taught them to comply with the prevailing humour of the world, in a point which they should neither have thought reasonable nor defensible, if the taste and mode mairerda V

270 The RUBRICS and CANONS of the mode of the age and a false notion of decency (kept up and supported by the acts of their Ordinaries) had not gradually got the better of discipline, order, and church authority; and all right notions of decency.

ALL this I think the parish Ministers may plead for themselves; and I believe with all reasonable and fair people it may be thought fufficient. - One thing indeed I should ever approve of, as a prudent piece of conduct with regard to licences, viz. to make use of our liberty in rejecting them as often as they are directed to parish churches, where neither of the parties do inhabit, and more eflatent reason for such a proceeding is ever to be suspected and bloom had and

Bur the confideration of this will more properly fall under my third and last head, (when I shall have time, which I have not now, to speak to it) viz. that clause in this Canon, which expresses the condition which is required in all Marriages of pere or only by banns.

fons under age.

mode

THIS, being a distinct subject, may well enough be detached from the foregoing, and shall be reserved to be treated of in a future discourse, if it shall please God to bring us together again on the like occasion prevailing humair of the working the thought which they though neither have thought

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Visitation Charge Anno 1748.

yet devict for fecuring this material point, or there AIIX o 3 8 A O onetimes are, evaded. The frongeth and, in

Continuation of observations on the 62d Canon about Licences and Marriages.

that never telemnize a Marriage of a miner

Reverend Bretbren, Helmid mied twodiw

The subject of my discourse at this meeting was fixed at my last Visitation, when I undertook to go through (on the first opportunity) with my remarks on the 62d Canon, in which I then made a good progress. And indeed nothing was less to be considered now, but the last important clause, which contains the condition required to be observed by us, in all Marriages of persons under age.

CONCERNING which, let me first of all observe to you, that the prime point which is aimed at, in all the guards and securities that have been contrived and thrown in from time to time, not only in Canons and Constitutions, but in acts of parliament, in order to prevent clandestine Marriages, is this, that no marriages of persons under age shall ever be solemnized without the previous con-

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272 The RUBRICS and CANONS of the Sent of parents, or of guardians, where the

parents are not furviving. [Sparrow, p. 240, ation Charge Anno 17 April action

But, among all the ways that have been yet devised for securing this material point, there are none but what may be, and fometimes are, evaded. The strongest and, in appearance, most effectual way of securing it, is the charge given to, and the trust reposed in, the officiating Minister, that he shall never solemnize a Marriage of a minor without being himself satisfied of their confent who have a right of giving it. And this is such a provision of safety, that, so long as Ministers are honest, and will do their duty as the Canons require, it is not liable to be defeated by any fallehood, art, or evalion, the fied Canons in which I therevoltedw

No wonder therefore we should find fo great a stress, and which might otherwise pave feemed an unreasonable stress, laid upon this very thing. That neither the express confent of the parents and guardians *, given by two witnesses upon oath, at the granting of a licence, nor their faid confent implied by their acquiescence under the publication that have been contrived and thrown in from

See Can. 102. and Can. 103. It shall appear to the Judge by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself, or to some other person of good reputation then present, and known likewise to the faid Judge, that the express confent of the parent or parents of following the new to design

CHURCH of ENGLAND confidered. 273 of banns on three several Sundays or holidays, shall be thought sufficient, but the Minister himself, before he can proceed to solemnize the Marriage, shall have their consent, either given him by themselves personally, or significant the second of the second of

nified to him by fufficient witnesses.

I MAKE the more particular mention of this special Injunction, because I have reason to suspect, that a great many of those whom it concerns are apt to overlook it, when they peruse this Canon. And indeed, with respect to minors having a licence, it is no wonder they should, because the English Canon is not rightly pointed, and distinguished as the Latin is, nor doth it give the true and determinate sense that was intended to be, and is clearly expressed in the Latin copy.

This I had occasion to take some notice of in my last discourse; but am obliged now, in order to clear up the point before us, to examine more closely into the difference

that there is between the two copies.

By what mistake it may have happened I cannot tell, but so it is, that by an omission of the marks of a parenthesis in one place of the English Canon, and by a dislocation of them in another, the sense of the Latin and English does not coincide.

CONSIDER the following words as they frand in our vulgar English copies without any parenthesis: "Neither shall any Minister T" join

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" join any persons so licensed in Marriage, but in the said churches or chapels where one of them dwells, and likewise in time of Divine Service; nor, when bands are thrice asked, before the parents or governors have signified to him their consent."

Now would not any one interpret this, that the first conditions are only to be observed in the case of licences, and the last only

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in case banns?

YET this is by no means the lease of the Canon according to the Latin copy; where, instead of any persons so licensed, in the first clause we read quallibet personas, any persons whatsoever, and then in a parenthesis, (quantumvis ejusmodi facultatem sen indulgentiam babentes) to signify that, even in case of licences, the conditions required in Marriage are not to be omitted. And instead of these words in the second clause, when beans are thrice ask d, we read in another parenthesis, (etiams tring bannerum indictio pracesserit) to signify that, even in case of banns, this condition relating to minors is not to be dispensed with.

Ir you will please to compare the English and the Latin Canon together you will find

Moriton You wood WA

English - Neither shall any Minister open the like pain, under any pretence whatforces, join any persons of tioned in Marriage at any unseasonable times, but only between the hours of eight and swelve in the forenoon; nor in any private place,

CHURCH of ENGLAND confidered. 275 find this difference, as well as forme others of

leffer moment, very plain.

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THE drift of the Canon then without doubt is this: that as there are certain annulling impediments, as those of precontracts, confanguinity and affinity, which make the Marriage void, and for the timely discovery of which, if any fuch lie in the way, all imaginable care is taken, both by publication of banns, and by fecurities required at the granting of licences; fo there are certain conditions to be observed in all Marriages, whether by banns or licence. which, though not to absolutely necessary as that the Marriage shall be void for want of them, are yet so requisite to the due solemment the roll of the region of the district when

place, but either in the faid churches, or chapels, where one of them dwelleth, and likewife in time of Divine Service: nor when beans are thrice afted, and no licence in that reffett ne-

ceffary, before the parents or governors of the parties to be married (being under the age of 21 years) shall either perforally, or by sufficient tellimony, figurity to bim their confents given to the faid Marriage.

Latin — Neque ullus Minister sub poena simili inter qualibet perforas (quantumvis ejustodi facultatem seu indusentiam balents) quocunque pretentus matrimonism foleminable, vel tempore sliquo incongruo, sed duntatan intera boras estavam se duodecimam antemeridianas; vel in loco privato, sed in ecclesis simumanos vel capellis ubi partium altera commoratur, idene similare tempore precum publicarum; vel cassim (etiams trina bannorum indictio precessieris, nee alla preinde disponiatio requiratur) prinsquam parentes aut subernatores (criame trusa haunorum indictio percefferit, nec ulla prinde dispensatio requiratur) prinsquam parentes aut gubernatores completarium (fi vicesimum primum zetats sue annum non compleverint) confensum sums vel personaliter, vel per culti-monium suculentum, diche Ministre fignisicarint.

nization of it, that it cannot be celebrated legitimately and canonically without them. Which conditions, though sufficiently expreffed in other parts of the Canons, are in this place laid together, as a rule for the use and direction of the officiating Minister.

It may perhaps be asked, if these conditions are designed to be equally observed in all Marriages whatsoever, whether by banns or licence, what is the reason of that particular caution about licences, in the parenthesis inserted among some of these conditions; and that other particular caution about banns in the parenthesis inserted in the last clause concerning persons under age?

But the ground and reason of these cautions seems to be to prevent the Clergy from sliding into mistakes, which otherwise perhaps they might be apt to do. For the conditions in the former clause might not at first sight seem so requisite to be observed in a Marriage by licence, seeing the licence itself directs the parish church, and is commonly supposed to carry some privilege of a privacy in solemnization, which Marriages by banns seem not equally intitled to. Therefore to prevent the Ministers being biassed, or influenced, by either of these opinions, he is here cautioned that, to what church soever the licence may be directed, he is to exe-

cute it in none but where one of the parties dwells. And what liberty foever any

nization

licence

CHURCH of ENGLAND confidered. 277 ficence might feem to indulge him in, with regard to the hours of Marriage, he is here given to understand, that he is to execute it nevertheless between eight and twelve in the forenoon, and at the time of the morning

prayers.

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In like manner as to the caution given in the other clause, where the banns are so particularly mentioned, and which is introduced in the Latin Canon with omnino, more especialby, as deferving extraordinary notice; whereas the parents confent to the disposal of perfons under age might not feem fo necessiary to be observed in case of Marriage by banns, because the very publication of those banns at three feveral times, without objection offered, might pass for a sufficient evidence of the parents or guardians acquiescence in the match; therefore, to check the Minister's too forward prefumption of confent in this case, he is here told, that notwithstanding the banns be asked out, without impediment alledged, he must not rest upon this negative proof of confent; he must have positive evidence, and that too from the parents or guardians themselves, either personally giving it, fignifying it to him by fufficient testimony.

So that you see in all Marriages whatsoever, whether with sicence or by banns, the Minister is charged with this important affair of consent, and his sidelity is principally trusted

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278 The RUBRICS and CANONS of the

to. So that he had need to be circumfpect and look about him in the execution of it.

WITH what degree of care and circumspection we do discharge this trust, we must all know to well ourselves, that I need not make it any matter of enquiry here. But, left any of you should not be apprized of the possible consequence of neglecting, only through inadvertency, the order of this Canon in the Marriage of minors, it may be leasonable to inform you of the effects that have followed the profecution of Clergymen for breach of Canon in this respect, viz. they are the very same in the Ecclesiastical courts, with the penalties incurred for clandeffine Marriages, or fuch as are in all ca-nonical respects irregular, i. e. Sufpension per triennium ipso facto: where the courts, after the fact is proved, have nothing more to do, nor is it in their power to do less, than declare the penalty awarded by Canon, give the sentence, and see it put in execution. Such profecutions perhaps by parents or guardians, whole confent was not previously obtained to the Marriage of their children or pupils, are rare. Yet the fentence itself is no less rigorous and severe, as those to their cost have found it, who have unhappily fallen under it, although their crime in reality was known to be no more than either ignorance of the Canon, or inattention to it's ftrictness in this particular, THIS

This may feem hard indeed in one view of it, viz. that a Clergyman should suffer so greatly, from an omiffion in his enquiries in a case where he might think himself safe without them, where he might judge either a licence, or a publication of banns, would fufficiently warrant and indemnify him; where his fault could not be interpreted as from defign, and where he himfelf, among all the persons concerned in such a Marriage, feemed leaft to blame. - Yet, on the other hand, it must be remembered, that this is a trust reposed in the Clergy, and cannot with equal fafety be reposed any where elfe. For they have the best opportunities of knowing, by their registers and otherwise, who are of age for Marriage among their parishioners, and who are not for i. e. who are at their own disposal, and who are not ful juris in this matter. They have also the best opportunities of taking the confent of parents and guardians in the places where the parties live. And where there remains any doubt in either of these cases, viz. either concerning the age of the one, or the confent of the other, they only have it in their hands to adjourn the folemnization, till full fatisfaction is given them in both points.

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ter stands with respects to certificates sent by the Curates of other parishes, to notify the publication of banns, without impediment alledged?

280 The RUBRICS and CANONS of the alledged? Suppose the certificate is for a minor, and one that is an inhabitant of that parish, from whence the certificate is fent, but who really hath not the confent of parents and guardians, will fuch a certificate of the banns being afked out justify the Curate who receives it in proceeding to the ceremony without any further enquiry? In reason it should. Yet by the letter of the Canon it will not, unless the Curate, oforcertifying the publication of the banns, do further certify to the Winister who is to marry them, that the parents on the guardians, of the minor, have either personally or by fufficient testimony fignified their consents y in which case the said contificate becomes a fufficient testimony of consent to the Curate, who is to folemnize the Marriage, and will be admitted as his waterit and authority. And therefore this manner of l'certifying should be followed in fuch circumstances. Not that I think, when it is for certified by the Minister of the parish where the party under age dwells, that the other Minister, who receives such certificate, is bound thereupon to folemnize the Marriage, hut may remit it if he thinks it more fafe and proper, to the Minister of the parish where the faid party lives, and to whom the faid coner flands with refrects to behingle saw trail

By T to return. What must be said of a licence granted to a minor? Is more this a competent

CHURCH of ENGLAND confidered. 281competent authority for the Minister to proceed upon, if the said licence be directed to
his church, and the minor also live in his
parish? Is not the hand and seal of the Ordinary a sufficient attestation, that oath hath
been made by two credible witnesses of the
parents and guardians consent, if not personally given by the parents or guardians
themselves? May not this pass and be constructured as a signification of the said consent to
the Minister himself by sufficient testimony?

WHY truly it feems unreasonable to say it should not And yet whosever hath taken due notice of the means, that are fometimes made use of, for the obtaining of licences; and attends to the proviso inserted in the form of all heenees, "that if hereafter any fraud shall appear to have been committed s at the time of granting them, either by " false suggestions or otherwise, then the " faid licences to be void to all intents and of purposes in Law, as if the same had not " been granted;" and recollects moreover the claims that parents and guardians have by Ecclefiaftical Law upon the Clergy, as their best security, that no Marriages of their children, or pupils, however licenfed, shall be celebrated without their confent fignified fufficiently to the Minister himself, who is to marry them; I fay who foever lays thefe points together, and confiders them well. will be apt to doubt of, and demurr upon SHALL

282 The RUBRICS and CANONS of the the validity of the testimony, that such liscences are supposed to carry with them.

I no not know indeed of any profecutions brought against Clergymen upon this article. Or, if any have been, we may well prefume the Ecclefiastical courts would in support of the credit and authority of the licences themselves, screen those who have executed them as much as was possible; and especially as they have a furer, and a far more equitable, remedy against the jurors and the bondimen concerned in procuring the faid licences. And I might add moreover, that as the English Canon now stands in all our printed copies, it doth not fo plainly appear, for the reasons I have given above, that the Clergy are bound to have the confent of parents and guardians, when there is a licence for Marriage of persons under age, as they are bound to have it for the faid perfons, when the banns only are published.

Bur nevertheless it may and ought to be observed, that, if all Ministers did frictly keep to the true intention of the Canon. and according to the express letter of the Larin form, all the inconveniences that licenfing persons under age bave been, or may be attended with, would be at once removed; And this trust, reposed in the Clergy, would be found a wife and effectual provision, and

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produce fignal and beneficial effects

CHURCH of ENGLAND confidered. 283 I SHALL conclude this head, with observing to you fomething very apposite to our present purpose in the form of a licence prescribed in the Ecclesiastical Constitutions of 1597. It is printed in Sparrow's Collection, and may be found at the end of those Constitutions; and is the only authentick form that is published, so far at least as I know of. It is intitled, Licentia ubi atterque vel alter contrabentium sub parentum vel gubernotorum potestate existit. It directs the Marriage to be folemnized only in one of the churches where the parties live: or, if only one of them be under age, in the church to which the faid minor belongs, for fo I understand these words, exprimendo ecclesiam alterius contrabentium vel parentum aut gubernatorum fuorum. It hath also the usual proviso, that, if it be obtained by any fraud, or false suggesstions, then it is of no force, & in eo casu inbibemus quibufois ministris ne ad solemnizationem dicti matrimonii procedant. - And yet after all these guards thrown in, and cautions taken, we find this further advertisement at the end of it in the English tongue, I suppose for better notification, that " the Minister " shall not solemnize this Marriage, without " the confent of their parents, or governors, " who are hereby licensed to marry."

I SHALL make no other remark upon this, than, that all the Constitutions fince made are agreeable thereto.

MOCABOY,

THERE

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- THERE is one point yet behind, which has to close a connexion with this fubject, that I cannot forbear touching upon it. In And that is, what time of abode in any place is requifite to make any perfon a parithioner in kind ought to be fixed, otherwise new perplexities that arise to us from that quarter. Burthere is no Ecclefiaffical rule for this. by which we can fafer abide wthan that which I take it all the different and caus tions Ordinaries and their Surrogates go by, for the granting of licences to marry, and which is laid down in the 16th chapter of the Constitutions and Canons Ecclefiaffical made in the year 1040h And which, though they have not a fufficient fanction, contain rules proper for those who act at difference, as both the Ordinaries and we do in this mat ter of granting and executing licences. The A shall be granted by any Ordinary to any mparties, unless one of the faid parties have been commorant in the jurisdiction of the "faid Ordinary, for the space of one whole month, immediately before the faid licence " be defired." By parity of reason, if one month be required to bring a person under the Ordinary's jurisdiction, and to intitle him to the benefits of the Ordinary's grants, no less time should seem requifite to make him a parishioner in the place of flich his comанинТ morancy,

CHURCH of ENGLAND confidered. 285 morancy, and to intitle him to the benefits of that claim, before where or in or are salled

I HAVE now gone through with what I proposed, and have said all that is necessary for a full explication of this important Canon, and for shewing it's relation to, and connexion with, all other * Ecclefiaftical Constitutions if berneamon vigsel, one such a

AND from the whole it will appear, that there is no one law to be found in this fett of Canons relating to the duties of parochial Ministers, which is in fome respects more punctually observed, and in others less regarded, than this fame Canon is: or for the those only. But if we break in, though near

See the references in the fast Discourse. As to those which relate to confent of parents, they follow here. Among the conditions on which licences were to be granted, one is good an nupriarum folennizationem non accedant, nifi affentu & expresso consensu parentum sive tutorum prius impetrato. Conft .. Eccli p. 249.

Nulli autem cujuscunque sexus, dignitatis, aut ordinis (in parentum see gubernatorum cura à regimine existenci) concedatur, niu prius constiterit de expresso consensu paremoni vel gubernatorum suorum (si forte parentes excesserint e vità) idque parentum fignificatione aut gubernatorum Judici per-fonaliter facts vel chirographis ipforum, quibus fidem haben-dam effe non putamus nifi per nencios honeste conditionis & famæ illæse mittantur qui fidem faciant se de parentum aut gubernatorum manu chirographi hujusmodi recepisse veris nominibus & cognominibus per hujufmodi nuncios defiguandorum. Ibid. p. 24.

All these particulars, with a very small alteration, are thrown into the 62d, 102d, and 103d Canons.

VUAM

breach

[&]quot;No children, under the age of 21 years compleat, shall contract themselves, or marry, without the consent of their parents, or of their guardians and governors, if their parents be deceased." Can. 100.

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breach of which, in some respects, the penalties are fo rigorously exacted, and for the breach of which, in other respects, the penalties are so little dreamed of, as in this. There is a pretty obvious reason indeed to be given for this. The peace and interest of private families, as well as of particular persons, are deeply concerned in the due execution of fome parts of it; but, in the due observance of other parts of it, nothing more is concerned, than Ecclefiaffical discipline and order. We are allowed by the laity to break through as many rules of our own office as we pleafe, provided we break through those only. But if we break in, though never so little, upon those rights and privileges, which are focured to them by law, we are fuch transgressors as may not pals unpunilocity sure conveny with until use

We cannot but be very sensible likewise, that though the world is grown so fond of licences, that scarce any who can afford to take them out, will be married without them; yet no one thing, in the whole course of proceedings in the Eccleshaftical jurisdiction, is more complained of than the abuses that are sometimes made, and the inconveniences that sometimes follow, upon this privilege. And the officiating Clergy seldom fail to bear their share of blame, for their share in the execution of such licences as give the offence.

MANY

CHURCH of ENGLAND confidered. 287

MANY attempts have been made to remedy this matter, but still they have proved ineffectual. Very wholesome provisions had been made in the Constitutions of 1584 and 1597, under the chapters, de moderandis indulgentiis; yet it appears by a letter of Archbishop * Whitgift's to his suffragan Bishops, that these Constitutions had no good effect as to this article. The next reform was in our present body of Canons; in which rules are laid down both to the Ecclefiastical Officers, and the Clergy more distinctly and fully than in any former Constitutions. - Yet these rules, many of them at least, are far from being strictly observed. Of which I have in part given you the reasons +. There reliance the section Alexander of the

* See Strype's life of Whitgift, p. 522. And Willing's

Councils, Vol. IV. p. 353.

All this notwithflanding, (fays he) there come daily complaints unto me, out of feveral parts of this province, that fome Ministers, neither regarding her Majesty's pleasure, nor careful of our credit; do marry some couples in private houses, others do marry those who come to be married at unseasonable hours;—as if ordinances were to be retrained, and Ministers for as large to break all good orders.

fters fet at large to break all good orders, &c.

† In the year 1690, or 1691, a bill was brought into the House of Lords against claudeshine Marriages, the purport of which was to make it felow in the Minister, who should folemnine or officiate at such a Marriage. But after debate it was dropped, and chiesty upon these largestions: — That better laws could not be contrived, than those already made, to prevent claudeshine Marriages: and, were our Ecclesiatical Constitutions duly observed, and vigorously profecuted against all those who violate them, there would be no need of making afts of Parliament, or chablishing sanguinary laws against

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was a further attempt made in Convocation? for lately as the year 1712; by a proposal for and act of Parliament * to regulate licences. and enforce the Ecclefiaftical Laws about Marriages, wherein the observance of this 62d Canon was to be firictly bound upon the Clergy + ... But it came to nothing. And two years after, viz. in 1714, a fett of Canons were drawn up in Convocation for the smant dody of Canone in which rules are

against the Clergy for preventing them. - That most of the splen Marriages that are complained of are brought about by the dispensations of publication of banns, which was the original law to prevent clandestine doings; the rules laid down in the Canons of 1603, for granting these Dispensations, not being firicily observed as they ought to be., For, were all the rules and cautions there provided but duly executed and obferved, it is scarce possible any clandestine Marriage should ever happen. Therefore Chancellors, Commissaries, and their Registers, are to be looked to, if we would have security in this matter.

All this was fully set forth in a paper wrote by Dr Hamph.

land stown both to the Eccletia Rical-Officers,

Pridate on this occasion: which was printed; and is very orthy of perulal, to every leavest to the com wall making Sea this account in his lifes p. 81, Green and the life of the life of the leavest and t

See this account in his life, p. 81. Grand Convocation, about materimonial licences, April 30, 1712.

Whereby Judges Ecclefiaffical, Proctors, Registers, as well as Clergy, were to be fined for all wilful mifearriages, &c. as Clergy, were to be fined for all wilful milearriages, Cr. 1 orly Fiz. whereas fundry Ordinances, Canons, and Conflitutions have been formerly made, for preventing irregular and clandelline Marriages, and for the regulating of faculties or licences granted for the foleranization of matrimony: we enjoin them all to be carefully observed by all persons whom they concern, upon the several penalties of the faid Ordinances, Canons, and Constitutions expressed. And for the more effectual preventing such clandesine Marriages, as well as so the reformation of fundry and grievous abuses, in the granting and obtaining such licences, we do further ordain and decrees, that daisgs

CHURCH of ENGLAND confidered. 280 fame end *. But they never were confirmed, or received their authority; fo that we are left upon the fole footing of these Canons, lniset ova faving

that no Parson, Vicar, or Gurate, upon pain of suspension per triennium ipfo facto, ut supra. Wilkins's Councils, Vol. IV. p.

Draught of Canons for regulating matrimonial licences, in order to the more effectual preventing of clandestine Marriages, June 16, 1714.

The substance of the said Canons is as followeth, (see

Wilkin's Councils, Vol. IV. p. 659.)
1. All persons concerned are charged, and enjoined, to fee the 62d, 63d, 70th, and 100, 101, 102, 103, 104th

Canons duly observed.

That, in every licence to be henceforth granted, the name of the parith church, or chapel, where one of the parties to be married dwells, or the names of both (if both parties lie within the jurisdiction) shall be inserted, and no other. The Ordinary, or Surrogate, offending herein, to be suspended for a year. A licence obtained for Marriage in any other church besides the parish church, &c. to be void. The parties marrying by such licence to be punished as for a clandestine Marriage. And the Minister that marries them to be suspended for one year. Old State SW 197

3. No licence to be granted, unless one of the parties have been commorant within the jurisdiction for the space of one whole month, immediately before the fald licence be defired.

4. No licence to be granted to any person under the age of 21 years, unless the parents, &c. expressly declare their confent in person, or by writing. The said writing to be attested upon oath, and an act to be made of the exhibiting thereof, and of the oath of the messenger who exhibited it.
5. No Parlon, Vicar, or Curate, under pain of suspension

per triennium iplo facto, shall substitute, or employ knowingly, or wilfully permit or fuffer any other Minister to marry in his church, or chapel, without banns or licence lawfully obtained.

6. Matrimony may be celebrated on any day in the year, except on Alb-Wednesday, and in Passion Week, and the 30th of January, and all other folemn days of fasting, for which a particular

290 The RUBRICS and CANONS of the faving the additional penalty for a clandestine Marriage, to be inflicted by virtue of a stamp act in the tenth year of Queen Anne. Which is the best provision we have against the gross practice of marrying without either banns or licence.

My chief defign and end in all I have been faying about this part of the Canon, that respects persons under age, may be com-

prized in these two monitions.

FIRST, that the Canon, in every view of it, is an unexceptionably plain rule for us in all cases of minors asked out by banns. And that, if any of us should happen to be profecuted for not observing it, the penalty will be as inevitable as the rule is plain.

SECONDLY, that when licences are granted to perfons under age, though our rule may feem lefs plain, and the ill confequences of not adhering to it may be more out of fight: yet we have the benefit of a greater liberty of acting as we please, than in the former cafe. Because we cannot be strictly bound at any time to the execution of fuch licences. And whenfoever there is any rea-

particular fervice shall be enjoined by publick authority. On

all fuch days no Minister may preforme to celebrate Marriage.
7. In all entries of weddings in the parish register, distinction to be made of those who are married by scence, adding the name of the Judge who gramed the faid licence, and in-ferting the date of it: with the names of the parishes where both parties lived at the time of it's being granted.

CHURCH of ENGLAND confidered. 201 fonable doubt, any real grounds of suspicion about the legal procurement of them, we shall do the prudent thing in forbearing to execute them. Let all the faults, if fuch there be, in the management of this indulgence of licenfing, and all the blame lie where they should. Let them lie solely at the door of the Ecclesiastical Officer who grants the faculty; and let the parochial Clergy stand clear of them. secretary and the history of the property and the second

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Visitation Charge Anno 1749.

DISCOURSE XIV.

Upon several Canons, but more particularly the 70th, about Parish Registers.

Reverend Brethren,

F what I am now going to deliver to you should have the appearance rather of a Miscellany, than of a just Discourse, you will remember that the nature of the defign I am profecuting, confines me to a fixed and certain method, and obliges me to observe the order of the feveral subjects as they lie before me, though there be no fort of connexion between them. And the end of the faid defign, which is your fatisfaction (if in my power to give it you) in some obscure or doubtful points in these subjects, requires me to be more or less particular upon each of them, as they are more or less easy to be explained, or of more or less consequence to be examined and cleared up.

I HAVE already dwelt so long upon the 62d Canon about Marriage in my two last Charges, that nothing remains to be said upon the 63d Canon about Marriages in exempt

churches.

CHURCH of ENGLAND confidered. 293 churches. And especially as the Canon itself is no more than a direction to the Ordinary, how he shall proceed, in case any Minister shall not observe the foregoing Canon, under colour of any peculiar liberty, or privilege, claimed to appertain to certain churches, or cha-

pels, within his jurifdiction.

THE 64th Canon, about bidding bolidays and fasting days, at the time appointed in the communion book, refers to a Rubric in the old fervice book which is now fuperfeded. For, in all the Common-Prayer books down to the Restoration, the declaration of holidays was ordered to be made after the fermon or homily, whereas the present Rubric fixes another time for it. Yet this Canon is nevertheless in force, as to the censures contained in it, if any one should purposely, or as the Canon fays wittingly, offend therein. Which, though it can hardly be supposed any one should at this time of day, was yet to be suspected might happen for several years after the Reformation, as well from Ministers popishly affected, who retained an esteem for the abrogated superstitious days *, as from those puritanically inclined, who thought those few retained in the protestant kalendar to be too many. But both these dangers are

Called S

For this reason the Bishops were wont to enquire in their Visitations, whether any of their Curates bid any other days than were appointed by the new kalendar.

See Wheatley on the Common-Prayer, p. 270.

now over, as our present Clergy connot lie under temptation, either to add or omit any thing in the declaration of holidays ordered by the new Rubric in the last revisal.

In the two next Canons likewise, I apprehend we are very little concerned. For though the one be intitled, Ministers to denounce recusants; and the other, Ministers to confer with recusants; yet the execution of both, as appears from the tenor of them, appertains more to the Ordinary than to the parochial Clergy. The Ordinary, by the first of them, is to see and give order about a nouncing excommunicates; and the Bishop of the diocese, by the other of them, is to appoint or to approve the Minister, who shall be intrusted with conferring with recusants.

However, I would here observe, for the better understanding of these Canons, that by recusants in the former of them (or the 65th) are meant recusants at large, including all kinds of differents from the established communion. (But you know, since the Toleration

All persons whatsoever, not repairing to the established church and service, were to be punished as such. By 23d Eliz. c. 1.—29th Eliz. c. 6.—and 35th Eliz. c. 1. And there were forms of submission appointed, as well for scients sections; sections, recujants, (35th Eliz. 1.) as for Popis recujants, (35th Eliz. 2.) They who would know how this matter of Recusancy stood, and the jealousies of the Government about it, may consult—the Council's letter to Archbishop Grindal about Recusants in 1581, with his directions to his officers thereupon. Stripe's life of Grindal, p. 264, and Wilkin's

CHURCH of ENGLAND confidered. 295 Toleration of Diffenters, the crime of this recufancy, at least all that was judged so by the State, is no longer charged upon them or condemned by fentence of excommunication.) But by Recufants in the 66th Canon are meant Popish Recusants only, or those who did not repair to the established service on account of their attachment to the fee of Rome. And the reconciling of these, if posfible, was thought of fuch difficulty, as well as importance, that none but a Preacher, or a licenfed man, might undertake it, nor even he, without the special approbation and direction of his Diocefan, who was to take care, in case the Minister of the parish might not be thought fufficient, to procure some neighbouring Clergyman to discharge this office.

THERE is another Canon about prefenting of Popish Recujants, viz. 114, which, though placed under another title, will fall most properly under our consideration here. Wherein they are distinguished surther into absolute Recujants, and balf Recusants (absolute &c ex parte Recusantes). By the one were meant Papists professed, by the other, such as came to church, but refused to receive the communion. And this present-

William's Councils, Vol. IV. p. 301. Also the Council's letter to Archbishop Whiteffe about Recusants in 1594, with his directions thereupon. Wilkins's Councils, p. 346. And Whiteffe's letter to his Suffragans about excommunicating Recusants in 1598. William's Councils, ibid. 359.

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ment was to be made by the Clergy only, and by them yearly on pain of suspension. But this order is obsolete and of no effect with regard to the Popish half Recusants, because, since the pecunicary mulcits for not coming to church have ceased to be levied, there are no such half Recusants among us. And the end of it, with regard to the declared Papists, is now answered another way, which is by our certifying their numbers to our Ordinaries, as often as we are called upon to make such inquisition in our respective parishes.

AND for the reasons abovementioned, as I take it, we are no longer under obligation to follow the direction given in the 112th Canon, of presenting, along with our Churchwardens, all the Non-communicants at Easter, who are above fixteen years of age within our parishes. For this seems only to have been framed for the better discovery of Recusants of all denominations. But now fince all the sectaries are exempted by the Toleration, and many other and more effectual laws enacted for the convicting of Papists, this method of information by presentment is quite dropt and is grown out of date.

AND as to the 113th Canon about prefentments by Ministers, which I take this opportunity of just touching upon, though it is in it's full force, and may sometimes very properly be put in execution by us; yet

2:15:11

Church of ENGLAND confidered. 297 it is no injunction upon us, but only a permission or a warrant for us either to join in a presentment, or to make presentment alone, if we judge proper, of notorious and scandalous offenders.

To have such power is useful. But the exercise of it is, and was designed to be, a

point of difcretion.

AND now, after this little digression to three Canons that lie under another title, I return to the place I had left, and proceed to the 67th Canon, intitled, Ministers to visit the sick. Concerning which, though abundance might be said of it's importance as a ministerial duty, and the never ceasing obligation of it upon us in it's own nature, yet, considered as a canonical injunction, I have only these two remarks to make.

THE first is, that it doth not certainly appear from hence, whether we are to visit the sick without being sent to or not. When any person, says the Canon, is dangerously ill in any parish, the curate, having knowledge thereof, (Minister ed de re certior factus) shall resort, &c. which may be understood either of information by a special message, or otherwise

by common report.

THE intention of our Church (fays L'Eftrange) * is, that the Ministers should come, both sent for and unsent for. And he quotes

^{*} Alliance of Divine Offices, p. 297.

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thereupon an order of Polycarp's, Let the Presbyters visit all sigk persons. Yet Mr Wheatley * observes, and pertinently enough, that, in our present Rubric + before the Office of Visitation, the care of sending for the Minister is left to the Sick. For the Priest himself (as he adds) may never have heard of his sickness, or, if he has, may not be so good a judge when his visit will be seasonable, or when the party is best able to join with him.

Tuis is therefore a matter that must be left to the discretion of the Clergy. The Canon will be fulfilled, as it may be inter-

preted, either way, orly this wind formations

My other remark is much of the same nature. The Canon says, if the Minister be no Preacher, he shall follow the order of the communion book in his Visitation of the sick. But, if he be a Preacher, then as he shall think most needful and convenient. But the old distinction between Preachers and Non-Preachers is too much worn out to serve for a rule in the present times. The privileges of Preachers do by custom belong to the whole Order. Therefore the liberty of using other forms of Visitation, than that prescribed in the Office, as occasion may require, should

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feem -

⁺ When any person is fick, notice shall be given thereof to the Minister of the Parish, &c.

CHURCH of ENGLAND considered. 299 seem to be common too. Especially as it must be acknowledged that the Office in the Common-Prayer is desicient in many cases; and as there are several other very proper and useful forms composed to supply the defects thereof.

As to the question, whether by the Act of Uniformity we be not restrained from using any private forms, even on these occafions, I should leave it to the learned in the Law to determine it. But certainly there is so much reason to be pleaded for this liberty, and so much countenance given to it in this Canon, that no Clergyman need apprehend any danger of censure for making use of it. Provided always that he be discreet in that use, and doth not neglect or intermit the use of the prescribed and authorized form, so far as it is adapted to his purpose *.

others may advant assertion of all a sight of the COME

There is another Canon, which, though placed under another title, hath an immediate relation to this. For, though it be intitled, A cheft for alms is every church, yet the principal subject of it is a direction to Ministers, diligently to exhort their paristioners, and especially suben they make their testaments, to give as they can helt spare to the said chest, for the use of the poor. And to this the Rubrics in the Office of Visitation of the Sick do evidently relate, viz. such as direct that people shall be admonifed to make their wills, if they have not before disposed of their goods, and to give liberally to the poor, if they be of abilities so to do. In my remarks on these Rubrics in my fourth Discourse, I have given an account of the occasion and reasons of this Canon; to which I now refer, and need not repeat: but shall only observe, that as that part of the present Canon, which requires the Minister to move persons, when

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COME we now to the 68th Canon about publick Christenings and Burials. In which whatever might feem to admit of a doubt is cleared up in the Rubrics of those Offices. As, for instance, from the Minister's being obliged not to refuse Baptism to children that are brought to bim upon Sundays, or bolidays, which is all that the Canon enjoins, it feems to follow that he may refuse baptizing on all other days, and plead the Canon for his authority. But the Rubric, though it orders him frequently to admonish the people to bring their children only on Sundays and bolidays, giving also the reason of such order, yet permits them (if necessity so require) to bring their children to be baptized any other day. What is to be understood by the necessity so requiring, I have fully examined, when we is adapted to his purpole ..

when they make their wills, to contribute to the poor man's box, by telling them, - that whereas beretofore they

were

CHURCH of ENGLAND confidered. 301 were upon this Rubric, and fo shall drop the enquiry now.

THUS again, from the Minister's being obliged not to refuse burial, except the party deceased were excommunicated majori excommunicatione, and no man able to testify of his repentance, which is all that the Canon enjoins, one would naturally gather that there are no other cases in which he may refuse burial; and that, even in this case, he may not refuse it, if it can be proved to him that the excommunicate person was a true penitent. But there is no room left for making a query upon either of these points, after we have read the Rubric, which forbids not only excommunicate persons to be buried, but also those who are unbaptized, and those who have laid violent bands upon themselves. Neither is there any proviso in it about the repentance of an excommunicate person. It speaks indefinitely of all that die under the fentence of excommunication, without leaving any diferetionary power with the Minister, either to absolve, or to bury as if absolution non, purely to lerve & banished non

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There have been fince the Reformation, as well as before, commissions granted for burial of persons dying excom-municate, and in some cases for absolving them too, in order to christian burial. Gibs. Cod. p. 540. Which had been unnecessary, if any power had been lodged with the Minister himfelf. Burning Transfer Williams

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our guides, and this Canon is superseded by

THE next Canon, concerning Private Baptifms, receives likewife improvements from the present Rubric: as, first, that in all such cases the form prescribed for private houses; and that only, shall be used, which, though prefumed to be intended, is not explicitly ordered by the Canon. Secondly, whereas the Canon is a rule to the Minister only in case of an infant's weakness, and the danger of is death, the Rubric extends the rule to any great or fufficient cause, when any great need shall compel the people to procure their children to be baptized at home. But then in one other point, which is only prefumed to be intended in the Rubric, the Canon is explicit, namely, that information, given to the Minister of any child's danger, shall be given duly, and without any manner of collufrom which deferves our special notice, that we do not mifule the liberty of private Baptifins, granted us both by Rubric and Canon, purely to ferve forme private family convenience, or particular humour of parents, collusively represented to us under the no-tion of a necessity. But to this point I have spoke sufficiently before, when the Rubrics before the Office of Private Baptism were under confideration.

CHURCH of ENGLAND confidered. 303

AND I have only one thing more to obferve of this Canon, viz. that the laying this Injunction fo Aricely upon the Clergy to attend children in cases of danger, and the giving this reason for it, lest they should die unbaptized through the Minister's default, is a proof that our Church disalloweth the laity; on any pretence of necessity whatfoever, to administer this facrament; and that the falvation of a child may be as fafely trusted with the mercies of God without Baptism, as with one that is irregular; that is to fay, performed by persons not authorized or commissioned to give it *.

Bur the other inference that + Mr Wheat ley would draw from this Canon, viz. that 200 have no acception on presumption on over OUE

umption left, in sales of second, come was a tarre is some

See a remarkable article, among fome others, palled by both houses of Convocation in 1575, in Gibson's Codex; p. 446. And Collier's Beck. Hift. Vol. II. p. 552. Wherein it was refolved, that Private Baptifm in case of necessity was easy to be ministred by a lawful Minister or Deacon, called to be prosent for that purpose, and by none other. And that all other persons shall be inhibited to intermeddle with the Ministry of Baptism privately, it being no part of their wocation.

There is some doubt whether this article was ever published on not. See Gibson, Collier, and Wheatley, p. 353.

† Illustration, p. 355. "She (the Church) supposes in the 69th Ganon a child will die unbaptized, if the regular Minister do not come time enough to baptize it." Activ. It should be added, and also if no body else baptize it, which the supposes none but a regular Minister thould prefume to do, and which she inhibits every body else from doing.

Ibid. "She expressly declares in the abovesaid determitmation" (wix. that of the Bishops and Clergy in 1975 mensors) 446. And Collier's Beel. Hift. Vol. II. p. 552. Wherein

[&]quot;nation" (wie. that of the Bishops and Clergy in 1579 men-tioned in the last note) "that Baptism is only to be admini-

304 The Rubrics and Canons of the our church difalloweth the validity and efficaty of all fuch Baptisms as have been irregularly administered by lay hands, and that call on inquire of dangers and dre giv-

ing this seriod them, left they more device me

" fred by a lawful Minister," &c. - " A plain intima-"tion that no Baptism but what is administred by persons "duly ordained is valid and effectual." Answ. It should have been said rather, none but such is warrantable and regular. The difference is evident. Of the latter the gives more than a plain inimation. Of the former the gives none, unless it be an intimation to the contrary in the Ruhrics of the Office of Private Baptism.

"Walid, and fufficient to convey the benefits of it, why fould fuch perfons be prohibited to administer it in cases " of real necessity, when a regular Minister cannot be proenred l'Assa. For the same reason that they are prohibi-ted to administer it in cases of no necessity, and when a re-gular Minister may be procured. Because such acts in them who have no authority are presumptuous, nor is their prefumption less, in cases of necessity, than where there is none; because necessity doth not authorise them. And yet it doth not follow, that in any case their act, when done, it would and null, or of no effect.

mill, or of no effect.

"It would furely be better for a child to have it.
"from any band, (if any band could give it) than that it.
"should die without the advantage of it." dayto. But it is not better for a child to have it from a arrong hand, or any hand that hath no right to give it. And though God may ratify such act, and allow it the advantages of Baptim in respect of the child, which is not concerned in the prejumption of administration, yet this will not make such administrations lawful, or be a reason why they should be permitted.

Bid: "Our Church, therefore, by prohibiting all from siller termeddling in Baptism but a lawful Minister, plainly bines," that, when Baptism is administred by any others, it conveys no benefit or advantage to the child." Anyton Our Church, no subservations that lay baptism is an administration into the Christian Covenant and Church, or that a child so baptized shall not receive the advantages and benefits of such admission;

not receive the advantages and benefits of such admission; through God's mercies, if it dies; or through it's own faith

that persons * so pretendedly baptized ought afterwards to apply to a lawful Minister for the said sacrament, doth not appear to be equally well drawn. Nay it rather appears plainly by the Rubric, that nothing can authorize a rebaptization, or hypothetical baptism, but a doubt of an original deficiency, either in the matter, or in the form of the

and obedience, if it lives. And yet she alloweth nor, that any lay person hath authority to administer it, or ought to be suffered to do so. She takes all imaginable care that children shall have the beneats of Baptism in a regular way, and prohibits irregular Baptisms even in cases of necessity; for she leaves the event in extraordinary cases, when a regular Baptism cannot be procured, to the wise author and appointer of the institution, whose mercies are not absolutely tied to outward means, and in whose hands she looks upon children to be equally safe, whether they be baptized by uncommissioned persons, or die without any Baptism at all.

Ibid. p. 356. "And consequently, that persons so pre-

* Ibid. p. 356. "And consequently, that persons so pretendedly baptized (if they live to be sensible of their state and condition) are to apply to a regular and lawful Miniter for that holy sacrament, of which they only received

" a prophanation before."

their

Anfro. Pretendedly baptized (instead of presumptuously baptized) is begging the question. That they are to apply, &c. is more than our Church any where teaches. Nor can a command or even a permission of Rebaptization be sound in any of her Laws or Constitutions. Neither can the recipient of the sacrament, in it's essentials, be said to receive a prophamation, purely on account of the administrator. Every sacrament is in sach a sense profaned, when administered by evil and profane (though, in point of commission, authorized) men. Yet the effects on the recipients are no ways altered thereby. Art. of Res. XXVI. Can. 57. So Baptism may be salutary and beneficial to a worthy recipient, though wrongfully administered by unauthorized hands, and in that sense profaned.

306 The Rubrics and Canons of the institution: which are called the essentials of baptism, and distinguished as such from the authority of the administrator. But this point has likewise been already under consideration, when I discoursed upon that Rubric, and therefore I shall not resume it now:

But proceed to the next Canon in course, which is the 70th, about keeping of Parish Registers, with which I shall conclude this miscellany, as I think it may most properly be called.

AND here in regard to Registers, (quorum permagnus usus est, says the Constitution * in 1597, from which this Canon is taken) the first thing I shall take notice of, is, that the Ministers, and Churchwardens are allotted

De registris in ecclesis salvæ custodiæ committendis.

Et quia registra in ecclesis (quorum permagnas usus est) sideliter volumus custodiri, primum statuendum putamus ut in singulis visitationibus admoneantur Ministri & Œconomi ecclesiarum de injunctionibus regiis eà de re diligentius observandis.

The Injunction, here referred to, is the tenth article of Queen Elizabeth's Injunctions. Sparrow, p. 70. Accordingly among the articles of Visitation of the same year, viz. 1559, one is, Item, Whether they have one book, ar Register, kept, unbergin they write the day of every weedding, christening, and burying. Sparrow, p. 173.

Sparrow, p. 173.

So again, among the Protestations in 1564, one is, I shall keep the Register-book according to the Queen t Majesty's Injunctions. Sparrow, p. 128

tions. Sparrow, p. 128.

Not that these were the first Injunctions on this head, for those of Edward VI, in 1547, are word for word the same with the Queen's, so far as they relate to Registers. Sparrow,

p. 4 and 5.

their.

CHURCH of ENGLAND confidered. 307 their diffinct shares in the provision and preservation of them.

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THAT they be of parchment belongs to the Churchwardens to take care of at the charges of the parish. This was first appointed in the Constitutions 1597. For, before that time, they were commonly in paper. And the reason given for this alteration was, that they might be more durable and better preserved, as authentick records for the use of posterity.

THAT a transcript of the old Registers, from the time + that the law was first made, (viz. 1538) so far as the ancient books could be procured, at least from the beginning of the

Deinde ut libri ad hunc usum destinati, quo tutius reservari de ad posteritatis memoriam propagari possint, ex pergameno sumptibus parochianorum in posterum consciantur. In issque non modo ex veteribus libris cartaceis transumpta nomina eorum qui regnante serenissima domina Elizabetha aut baptismatis aqua abluti, aut matrimonio copulati, aut ecclesiastica sepultura benesicio assecti sint, suo ordine sumptibus, parochi: norum inscribamtur. Sed eorum etiam qui in posterum baptisati vel matrimonio conjuncti aut sepulti suerint. Const. Eccl.

⁺ The first law about Registers was in the 30th year of Henry VIII, at the request and by the means of Lord Crom-

The Injunction was, — That every Rarfon, Vicar, or Currate, was to firmife a book to register Weddings, Burials, and Christenings, Coll. Eccl. Hist. Vol. II. p. 150. And Rurmet's Hist. Refer. Vol. I. Book III. p. 180.

The order in the present Canon, for carrying the transcript fo far back as the 30th of Henry VIII, was an improvement the Confitution in 1597, which had no further retrospect than to prime Eliz.

reign of Queen Elizabeth, that this transcript, I say, should be made into the new books of parchment, belonged also to the Churchwardens to take care of, and at the charges of the parish, as plainly appears from comparing this Canon with the Constitutions of 1597.

How well either of these orders were executed by the Churchwardens, after the publishing of the Canons, let every one judge from what they find in the Registers of

their own parish. To appoint to TARA

In the mean time, what is more pertinent for me to observe to you, is, that Canon enjoins the Minister * from henceforth, in posterum, from the time of these Canons taking place, to make all the entries in the Register book himself. A provision which had not been made by any of the former Injunction or Constitutions.

WHAT I would recommend to you hereupon in a particular manner is, that you would make these entrances in good ink. Which is as necessary as the parchment, to

* The writing or entering names, &c. was left to the Ministers and Churchwardens jointly in Edward VI's and

of multiple and and total blooms.

Queen Elizabeth's Injunctions.

4. 经分配为

The Minister indeed is ordered, in the Constitutions of 1597, to read over weekly, and publickly, the names that had been entered the week before: Que per fingulas hebdomodas in hisce libris inscripts nomina fuerint ea fingula diebus dominicis post preces matutinas aut vesp. finitas aperte & diffincte per Ministrum legantur.

CHURCH of ENGLAND confidered. 309 make the Register a standing and durable evidence; I cannot say indeed this is expressly mentioned in the Canon, yet nevertheless it is implied in the words shall write and record. For nothing written can be said to be recorded, unless it be written with ink that will stand, as well as in a hand that is legible.

AGAIN the provision of a cheft or coffer with three locks and keys, at the charges of the parish, belongs to the Churchwardens. And confequently the Minister is not answerable for any failure herein; or any failure of what depends upon fuch a coffer, and the Register being so deposited in it; as, for instance, his taking the Register from thence with the affiftance of the Churchwardens every Sabbath, and in their presence entering the bufiness of the week foregoing, and this too, immediately after Morning and Evening prayer, and then returning the book into the cheft again, and securing it under all their three keys. All which particulars are confequent upon the order for the cheft, and are enjoined the Minister, on presumption only that the Churchwardens have performed their part. Is me shoot sold dues and

BUT indeed it must be confessed, that such inconveniences do likewise attend the strict observance of these orders, that they have been generally dispensed with, and the

end of them answered another way.

310 The RUBRICS and Camons of the

THE two principal inconveniencies which

I have my eye upon, are thefe:

FIRST, that the Registers thus kept in coffers are frequently in danger of being damaged and corrupted with the damps and moisture which are often found, in our churches, to be incurable. And which would by degrees prey upon and deface the books, and defeat one great end of their prefervation with so much care: which is for the sake of posterity,

Ann, secondly, the keeping them, as the Canon directs, makes them in great measure useless to another end, for which they are kept for the benefit of the present times a wig, the granting cornificates out of them, from time to time, to such persons as desire them and are concerned in them. For, if these transcripts could only be made and attested at the times appointed in the Canon for the book to be taken out of the chest, or at least not otherwise than in the presence both of the Minister and Churchwardens*, I need

Roder of Your September 1918 on the

" ster."

Neque vero in uniusenjusquam custodia librum illum, sed in cista publica caque trifariam observata, reservandum putamus, ira ar peque sine Ministro Guardiani, nec sine utrifque Guardiania Minister quicquam possit innovara Const. 1597.

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The reason, given in the Canon for the three locks and keys, being, "that neither the Minister without the two Churchwardens, nor the Churchwardens without the Minister, shall at any time take that book out of the said coffer."

CHURCH of ENGLAND confidered. 311 not fay what difficulties must arise to the parties who apply for copies out of the Register. And therefore custom hath obtained for keeping these books in places assigned, either by joint confent of the Minister and Churchwardens, or by the Minister alone, where they may be confulted with convenience and without delay; and use and prefeription upon this convenience have brought the Registers almost folely into the possession and custody of the Ministers, which, though not so agreeable to the contents of the Canon. fuits mighty well with the title of it, which is Ministers to keep a Register of Christenings, Weddings, and Burials. Or, as it is in the Latin, Ministri registrum conservare justi.

By r now there is another point enjoined in this Canon with regard to Registers, from the literal execution of which we should by no means depart, but act in concert therein with our Churchwardens. And that is the subscription of our, and their names, at the bottom of each page in the book when it is filled up with entries. Which is a matter of the greater consequence to be strictly observed, because, without such subscription at

ald the ormi

Pofiquam autem paginam aliquam integram multorum nominum inferiptio compleverit, tum Guardianorum ipfius parochize fub/criptionibus volumus eam communiri.

Idemque in transumptis ex veteribus libris cartaceis paginis fingulis fieri, sed diligenti ac fideli prins habita collatione. Conft. 1597. Sparrow, p. 257.

the foot of every page as the Canon requires, our Register books are not evidence in the courts of law: and consequently may, in some very material and interesting points, prove insufficient to answer one of the great ends designed by them.

This therefore I must recommend to be constantly done, because it may happen that the civil rights and properties of private per-

fons may greatly depend upon it.

The yearly transmissions likewise of copies of our Registers (which belongs to the Churchwardens to take care of *, though the Minister is to join with them in the attestation) are of no small use, if regularly transmitted and duly preserved; for they will not only supply the place of a Register lost or destroyed by accident, but they guard against forgeries and restore erasements. I have myself seen the date of a baptism, upon which not only the true age of a person, but the claim to an estate depended, in consequence of the proof of such age, so cleanly erased that, although the fictitious date appeared evidently to be a forgery, it was

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adt a Vic

Postremum est ut exemplar quotannis cujusque anni aucte nominum inscriptionis ad episcopi dioccesani registrum per Guardianos, instra mensem post festum Paschatis, transmittatur, & sine sado ullo recipiatur, atque in archivis episcopi sideliter custodiatur. Const. 1507. To which the present Canon hath added, to be subscribed with the bands of the said Minister and Churchwardens.

CHURCH of ENGLAND confidered. 313 impossible to recover the true one. Now of what use in such case must a regularly attested transcript in the Bishop's office be?

YET, if it be confidered how negligent the Churchwardens often are in transmitting fuch copies, how negligent also the Bishop's officers in calling for them when not exhibited, and in keeping of them when obtained (and perhaps for this reason, because the Canon has ordered them to be received without taking any fee for the fame). And also confidering the doubts, which have been of late years pretended in the temporal courts, about the admission of such evidences from the Bishop's Registry, which they are apt to deny to be a court of record, while no doubt is made of the authentickness of our parish Regifters, if duly kept and subscribed as the Canon directs; I say, considering how many ways the benefits defigned by these copies or duplicates are, and may be frustrated, we may perceive very great reason to take special care of the originals, and to preferve their authenticity by regular attestations.

THERE is one thing more I should mention with regard to Registers, viz. the referving a particular place in them for entering the Births of Dissenters children of all denominations, so far as they come certainly to our knowlege, either by information of their

parents, or otherwife.

Vitivation

WHILE

314 The RUBRICS and CANONS of the UND

WHILE the tax upon Births * was in force. the Clergy were obliged, under fevere penalties, to register all persons born, though not baptized, within their parishes, by which means the Differers fhared in all the civil benefits of our Registers. But, though, fince the ceffation of that tax, we are no longer under obligation to register their children, neither indeed can we honestly and truly mgifter their haptisms, nor enter them into the lift of our parishioners baptized by the rules of the Church; yet it may prove a piece of singular service, to some of them, to have their births entered upon the atteffation of their parents, is forme spare leaf of our Rea gifter books. A favour which, when afked, should never be denied, enter of the duly been and fublicated as the

Statute 6 — 7, Will. III. — Rates and Duties on Marriages and Rirths.

All Minuters to keep Regulars of the births of perions
form, or bagaized, in their parithes. Which Regulars the colcharts of the taxes may view at feafourble times. Minuters
offending to forfeit 100 L.

And 7 — 8, Will. III. c. 35. Every Incumbent, or Curate, to regifier the births of persons been in their parishes, and not thaptisted in the charch. For which he is to take 6 d. to enter it, and, if he negleds, to forfeit 40 s. But then the parents of such children must give the Minister notice of such that, or elie they must forfeit 40 s. the British Different children of all dead-

or ylament renegraphs as inchestications tails snowless senses by intermental of their dark of otherwise, the same of the same

destate of patro goods the council. Visitation

Visitation Charge Anno 1750.

the DISCOURSE XV.

Canada da characteria de cicloso conferences serar

Upon the 72d Canon about the Exercises com-

and a same substitution

Reverend Bretbren,

HAVE observed to you more than once. in the course of my differtations upon the Canone, the necessity of referring and having recourse sometimes to the Latin edition of them, in order to ascertain the sense of the Enghis version. For there are not only some ambiguous expressions in the translation itself, whose meanings are fixed by the original, but there are miltakes and faults also in our common English editions, which are to be corrected by the Latin copies. And there are no instances of this more remarkable than that which I am going to take notice of in the 72d Canon, which comes now under our confideration. For I pass over the Canon immediately preceding, (intitled, Ministers not to preach or administer the communion in private houses,) because it neither contains any thing difficult, or doubtful, nor doth on Carrell

316 The Rubkics and Canons of the

doth it furnish any matter of enquiry that

may be worthy your attention.

But the gad Canon, which comes next, is not so easily to be passed over: for there is a stumbling-block in the threshold, and we are obliged to paufe at the very title of it. I mean in the English copies, in which it runs varioufly.

In fome, for instance, as in those which are commonly printed at the end of our folio Common-Prayer books, for the use of church-

es, it runs thus:

MINISTERS not to appoint publick or private fasts, or Prophecies, or to exercise,

but by authority symbologic lostruccods the In others again as in the collection of Articles, Canons, and Injunctions, published by order of the Archbishop of Canterbury, for the use of the parochial Clergy, of which there have been feveral editions of in thefe, I fay, the title runs thus : 313 minored their

MINISTERS not to appoint publick of private falts, or to exorcife, but by author select by the Little choice.

distrib

now mentioned, excepting the Collection, where it is Experies; this was printed in 1324 lucified goids very seriesho's

Exercise in the title of the Canon, in the editions of Oxf.

1701. Lind. 1727, 1732, 1734, 1735, 1739, 1742, 1745.

Exercise. Old black letter Canons. My collection of Canons, and editions of Oxford, 1712, 1718. Lond. Cha. Bill.

1693, 1706, 1710, 1715, 1745, 1750.

In the body of the Canon, Exercises in all the editions just a continuous according the Collection, where it is Exercises;

CHURCH of ENGLAND confidered. 317

In Bishop Gibson's Codex, where the title of this Canon is twice printed in different parts of the work, it is in one place exhibited as in the prayer books with the word Exercise*, but in the other with the word Exercise +; the curators of the press, as I presume, following one of the editions of the Canons in the first quotation of it, and another in the second.

IT is equally remarkable, that the like difference is to be found in the body of the Canon itself. Where in some of the copies Exercises, and in others Exercises, are joined with the word Prophecies, as explanatory terms, or words denoting the fame thing: and I observe, that whichsoever of the two words in either of the copies occurs in the title of the Canon, is afterwards repeated in the body of it; at least so I find it in all the editions I have confulted. By which means both the copies become faulty. For fo it happens that the copy which gives the title right, gives the Canon wrong; and that which makes no mistake in the body of the Canon, commits one in the title.

ALL this appears very evidently from the Latin copy, which gives exorcismos, not exercitia, in the title; and exercitia, not exorcismos, in the Canon. And indeed the scope

will him

realist and and small a

⁺ Ibid. p. 443.

318 The Runnics and Canons of the and meaning of the Canon, when attended to, will require these different readings in their respective places. One branch of the Canon is an abrogation of a Popish and supersitious use of prayer and fasting for the dispossessing of demoniacs, and this is denoted in the title by the term of exercifing *, Ministri jejunia, & exorcismos celebrane probibiti. Another branch of the Canon relates to a custom that had it's rife among the Protestants, and had been in much worme for fome years, called Prophecying, which cufforn though denoted in the title by that fingle term, Prophetias appellatas, is yet further explained in the body of the Canon by another term, by which it was then equally well known, Conciones qua vulgo exercitia, and prophetia nonnullis nuncupantur + Sermons commonly called Exercises, but by some called Prophecies. There is no manner of doubt, but the first English versions were

black of choice defer was intle to the second

+ In some places termed Prophecyings, and in other places Ex-

and

Of the Popish Emerijan before the Raptism of Infants as well as of Adults, see the Constitutions in Lyamend, p. 244, And Gibsan's Cod. p. 442. But the Exercises meant in this Canon were those used upon demonact, as may be collected not only from the term passes, as well an objection, used therein, but from the mention of solemn fastings and prayers, which accompanied the Popish pretences of ejedting devils: and fasther, had the compilers spake only of the Exercises had the this might be done or attempted, under the authority of a licence from the Bishop.

Church of ENGLAND considered. 319 strictly agreeable to the Latin original, and preserved the distinction between exercise in the title, and exercises in the Canon. But it is easy to conceive, that these words, how widely soever they differ in sense, yet, being so like in sound, might be changed and put one for the other by inadvertent Printers; or perhaps over-advertent, and presuming to a-

mend what they did not understand.

BUT there is another exception to the English title of this Canon, in respect of the fafts, which cannot be fo readily accounted for. The Latin title, runs agreeably to the Substance of the first branch of the Canon, in these words, Ministri publica jejunia privato ausu celebrare probibiti. For which the Englife has, Ministers not to appoint publick or private fasts, but by authority. Now the Canon is evidently levelled against the private presumption of Ministers, who took upon them, without order from their Superiors, to enjoin publick fastings, and not against their holding private fasts themselves at their own discretion. nor against their enjoining or recommending them in a private manner to others within their own cures, as they should see occasion: for they could need no licence from external authority, for practifing fuch fecret acts of religion themselves, or for recommending them for particular reasons to others under their charge. But nevertheless it was very proper, and it feems the drift of the Canon, that

320 The RUBRICS and CANONS of the that they should be restrained from indicting

or appointing any solemn fasts, (folemnia jejunia) as the Canon words them, which denote publick acts, and on publick occasions, to be kept either at church, or in conventicles, or feparate meetings. And further than this the canonical prohibition feems not to extend, when it forbids them to appoint, or keep any folemn fafts either publickly, or in any private houses, other than fuch as by law are, or by publick authority shall be, appointed, nor shall be wittingly prefent at any of them. Every appointment I fay of this kind, where numbers were concerned, and confequently the publick peace and communion more or less interested, is juffly forbidden, unless it proceeded from, or at least had the approbation and express licence of the Bishop of the diocele, without whose privity and concurrence, no fuch deviations from established rule and order ought to be fuffered. ton has equillet shall

HAVING now represented to you the defign of this Canon, and taken notice of the errors in our English copies, there is only one thing more that may deserve inquiry, viz. the nature and tendency of those sermons called Prophecies, which are therein prohibited. This would indeed have been thought a subject quite out of doors in our present age, if some approaches to a like practice, among some of our own Order, had not given

secti

CHURCH of ENGUAND confidered. 321 the appearance of a revival of a custom that may naturally be attended with the like confequences il ent to the orn T

To understand this affair of problesving. mentioned in the fecond branch of this Canon, and which occasioned a good deal of alarm and diffurbance in the reign of Queen Elizabeth in whose time it both began and celled we must look to it's first origin in Scotland, among the Reformers there. Know. and his brethren the Scotch Divines, in whose Book of Discipline offered to the Convention in 1560 *, we find the first mention of this practice under the stile of the Exercise of Prophefying, or interpretation of the Scriptures: with the leveral proper rules and limitations for the management of fuch liberty, that it might not run into debate and strife.

THE term Prophefying is taken from the fenie of that word in I Cor. xiv. And their fired be edicated that the many manufactures of commenced

es a lateral all and the second of the second of the Archbishop Spotfivord's History, p. 170. And Collier's Eccl. Hist. Vol. II. p. 470. But what Collier fays is taken

wholly from Spot wood.

† These rules consist of eight particulars, all of them well-calculated for preventing the inconveniencies that seemed most sikely to follow such an institution: and are the groundwork and pattern of the several regulations of the Exercises in England. They are printed at length in Spot swood, p. 171. And again in Collier's Eccl. Hist. Vol. H. p. 470. The whole Policy, of which this scheme of prophetying is only a part, was framed by John Knox, partly in insistion of the Reformed Churches of Germany, and partly of that which be had seen in Geneva. Spot swood, p. 174.

practice in Scotland was grounded on this precedent in the Church of Corinth *.

THE first account of the like practice that we meet with here in England, under the term of Prophesying, was the establishment of it at Northampton in 1571, with the consent of the Bishop of the diocese +, and with the approbation also of the Civil Magistrates of that town ‡. The institution itself was commendable, for nothing more was intended by it, than Exercising | of the Clergy

So fay the Scotch Divines in the Book of Discipline, Spotfw. p. 170. But, as Collier remarks, there "was a great disparity in the case; for the Constitutions were furnished with miraculous affishance, and governed by supernatural impulse." Bid. However, the said Divines do evidently speak of a gift of interpretation, which was not every man's talent, and to which they attribute something more than human. Nor were they singular in this opinion. Many learned men in those times put the same sense and interpretation upon that passage of St Paul; and argued from thence, that that there say an obligation upon all the Churches of Christ to observe the practice. Stryp's life of Grindal, p. 237. For the truth of which, he refers to a paper in the Appendix No. 12. which is a diatribe upon the 1 Cor. xiv. 29. Prophetze duo aut tres soquantur, &c. and which contains the most that can be said in favour of such an institution.

1 Strype's life of Griedal, p. 175, 176, and 219. According to whom, a fociety was effablished at Northeanton for reformation in religion and manners, (the first of this kind, I prefume, that we hear of in this kingdom) and not only the Bishop, the Mayor, and his Brethren, but the Queen's Justices of the peace gave all countenance to it. The Prophecies, or Exercises, were only one branch of the religious obfervances enjoined; but it was the chief and most material.

"The manner was thus: Certain of the Minifers who were appointed, (discouring orderly one after another) handled

CHORON of ENGLAND confidered. 323 in the interpretation of Scripture, with a view to promote good learning among them, and to preferve harmony of doctrine. And this defign was fo well adjusted, and put under fuch prudent and ufeful regulations, that the Clergy, in many parts of the kingdom, were induced to copy after the fame example, and chiefly in the large market towns, whither the neighbouring Ministers might with convenience refort to the Exercife, and where also there were numerous congregations of the laity to share in the advantage, which it was supposed they also would abundantly partake of *. And indeed, follong as the original rules and orders were observed, it was a practice, not only unexceptionable, but promifed good effects in that age of the Reformation, when great ignorance and fuperstitions still prevailed, both among the Clergy and the Laity. On these confiderations the Exercises were espoused by several + of the Bishops, and were not disname and the spot of the devel develo countenanced en out or the H. berrietter, end D. authoritonessian she

feld Exercises for the interpretation and experiment of the

handled fome text (given as it feems by the Bishop) open-ing the fame plainly and briefly before the people. Then, the congregation being diffinified, the Ministers withdrew into fome convenient place, and conferred among them-felves, as well touching doctrine as good life and manners, and other orders meet for them to observe." Stype.

[•] We find in the year 1574, that these Exercises among the Ministers and Curates of churches were used in most dioceses. Annals of Eliz. Wol. II. p. 318.

† By some of them very warmly, as the Bishop of Narwick, Lincoln, but most by Grindal, in whose letter to the Queen on their

324 The RUBRICS and CANONS of the countenanced by the Government, for long

as what was done in them, was done with-

lout giving offence.

Bur as the best designs will sometimes milearry, through the indifcretions of those who have the execution of them, fo it happened here. These Exercises were in a little time perverted, and the necessary regulations of them broke through. Among the earliest innovations made in them, that which turned mast to the prejudice of the institution. was the permitting those of the Clergy to join in these Exercises, who had been suspended or deprived for Non-Conformity to the effablithed Liturgy. And who took this oppotunity to raise and vent controversies about Church Discipline, and even to call in queftion the establishment by Episcopacy these and other * irregularities were first complainbenong the Clerk and the Tany, Ton there

confiderations the Exercites were chouled by

Exercites whole letter in the App. to his life by ferrer. And in Collier's Eccl. Hist. Vol. II. pp. 554.

* Gellier tells as, that others were too eager to diffinguish themselves, discovered their vanity, and topped upon those of their

their behalf, he ofes these words:

For my own pare, because he well assured, both by reasons and arguments taken out of the H. Scriptures, and by experience, that the said Exercises, for the interpretation and exposition of the Scriptures, and for exhortation and comfort, drawn out of the same, are both profitable to increase knowledge among the Ministers, and tendeth to the editying of the hearers, I am forced with all humility, and yet plainly, to profess, that I cannot with safe conscience, and without the offence of the Majesty of God, give my affect to the supporting of the said Exercises.

CHURCH of ENGLAND confidered. 325 ed of in the diocese of Norwich in the year 1573, which coming to the Queen's ears, the ordered Archbishop Parker to put them down +; which, with some opposition, he effected in that diocefe: and afterwards it being remonstrated from other places, that lay perions took upon them to expound Scripture at these meetings t, whereby altercations and opposition increased, to the utter obstruction of the delign of these Exercises, or Prophecies, which was for the edification of the people, and promoting study and knowledge in the Clergy, the wrote herfelf to all the Bishops throughout England ||, to put a stop to this growing evil, which at length, but not without great difficulty, was done: for we still find these Prophecies subsist in Hert-

of lower attainments. - Ibid. p. 547. That fometimes their fatyr was played upon the State: sometimes they glanced upon persons, and run out into particular invectives: sometimes the laity undertook the argument, and held forth. In thort, that the Exercises, at last, were remarkable for squabbling and unnecessary disputes, and failed in the requisites of charity and discretion. *Ibid.* p. 553.

Annals of Queen Eliz. Vol. II. p. 261.

Life of Parker, p. 460. Annals Eliz. Vol. II. p. 321.

The chief objections against the Exercises, besides the two already mentioned, were:

1. That they were not warranted by any law of the Realm.
2. Occasioned the drawing people from their labour.
3. Leading them into unnecessary disputes about Religion. 4. And dangerous confequences to the established government, both in Church and State. Codex, p. 288.

See her letter, life of Grindal, App. No. 10, p. 85. And

Collier's Eccl. Hift. Vol. II. p. 559.

out to menibu

326 The RUBRICH and CANENS of the HO fordshire in the year 1577 , and in the diocese of Chester, though under new regulations, fo late as the year 1585 H. And one would imagine, either that they had not been entirely suppressed at the time of making these Canons, or at least that there remained forme disposition towards the revival of them; from the prohibition of them in forftrong

FROM what has been now faid, for the better explaining this Canon, you fee the reasons why it was thought expedient to discountenance and prevent all unauthorized meetings for prayers and fastings, or for expounding Scripture, or for Exercisms. From all which the Clergy were reftrained, under severe penalties, unless they undertook them by the special licence of the Ordinary of the diocese where they lived.

tor alline

Annals Eliz. Vol. II. p. 486. The Exercises here continued the longer, as being under better regulation than in other places. See the rules and regulations agreed to and figned by the Bishop of Lincols for this county. Ann Eliz. Vol. II. p. 318. But the Queen nevertheless commanded the faid Bishop to suppress them. See her letter, App. No. 9. Annals Eliz. Vol. II. p. 324. Direction of the Exclesiantical Exercise in the discrete of Chester. Isid. App. No. 38. p. 73. Bishop Chastleston's surharity to the Moderators of these exercises. Isid. No. 39. p. 74.

To these orders and regulations of the Prophecies, by the Bishops of Lincoln and Chester, we may add those of Archbishop Grandel, which may be found in his life by Server, p. 220. And in Collier's Eccl. His. Vol. II. p. 552. The substance of them all is presty nearly the same.

CHUNCH of ENGLAND considered. 327

THE inference I make from hence is, that whatever some persons of our own function, now at the head of certain religious focieties, publickly convening to perform a Divine Service, and to expound the Scriptures, without any licence or authority from their Governors, either in Church or State; I fay that fuch persons, whatever they may pretend of their acting within the Canons and Constitutions of this Church, will find it a difficult matter to reconcile their proceedings to this Canon in particular, not to mention others that are likewise unfavourable to their pretentions. But I do not mean to step out of my road to confider or to censure their conduct; only as the Ecclefiastical Law, that we are now upon, feems to be an evidence of the judgment of this Church against them, I conceive it may not be unseasonable to take notice of it in this place,

THE complaints against those Exercises, which this Canon prohibits, were, that I may use the Queen's own words in her circular letter to the Bishops above-mentioned, that through them "No small number of persons presumed to be teachers and preachers of the Church, though neither lawfully thereunto called, nor yet fit for the same. That they unlawfully procured affemblies of people, out of their ordinary parishes, to be hearers of their disputations and new devised opinions upon points of Y 4

328 The Rubrics and Canons of the

Divinity, far unmeet for vulgar people. By which manner of affemblies, great numbers, especially of the vulgar fort, meet to be otherwise occupied with honest labour, were seduced, and, in manner schiff matically, divided among themselves into variety of dangerous opinions, not only in towns and parishes, but even in some families, and manifestly thereby encouraged to the violation of the laws, and to the breach of common order, and finally to the offence of all quiet subjects, who defired to live and serve God according to the uniform orders established in the Church."

"Church."

On these and the like reasons, were the Exercises suppressed. And on the same we must presume the Canon to be founded, in order to prevent the like innovations from being any time hereaster introduced again, and set once more on foot within the king-

dom.

It cannot indeed be faid, that the persons I am now speaking of do directly infringe the Canon, because the practices opposed therein are not revived, or set forward, in the very same sort, or under the very same names. But if stated meetings for religious service are appointed, particular forms or ordinances are enjoined, and this private ause, as the Canon words it, without any express permission from the Diocelan; if laymen and permission from the Diocelan; if laymen and permissions

CHURCH of ENGLAND confidered. 329 fons of no education or learning take upon them, either by the direction, or under the wings and patronage, of private Clergymen, to exercife and prophefy; that is, to expound the fenfe of Scripture publickly, and to infift on their own expositions as the only true doctrine of the Gospel, though not always according to the most approved interpretations that have been generally received by the Catholick Church in all ages; if they perplex and difract the minds of ferious and well-meaning people, with doubts and difficulties about their title to God's pardon and favour, and require terms of acceptance as necessary, which vet are neither plainly read in Scripture, nor can be plainly proved thereby; if also pretence be made, by a new kind of exorcism, of delivering persons who labour under the pangs of the new birth, and this too openly and in their publick affemblies; and all these things continued, carried on, and perfifted in, with real good intention, I verily believe, of making people better, but, at the fame time, in defiance of the Bishop's authority and the Laws Ecclefiaftical; then I conceive, that their proceedings, from their analogy with those in former times, do immediately fall

AND though the Act of Toleration be supposed so extensive, as to screen every innovation or irregularity of this kind, and to indemnify even laymen who, with the Civil Magistrate's

under the censure of this Canon.

330 The RUBNICS and CANONS of the

Magistrate's licence, open religious conventicles; yet what I am observing, is, that such as profess themselves Ministers of this Church, are cut off from all pretentions of acting agreeably to the Constitution and Rules of this Church, if they either form or draw together separate congregations for doctrine or worship, or, by their presence, encourage and abet the same.

THE like objection, in good measure, lies, and has been occasionally urged, against the focieties for reformation of manners, which were of late years in much greater repute, within this realm, than they are at prefent. For, as to the Clergy in particular, it has been justly observed, that, without the previous licence of the Ordinary, they could not concern or interest themselves in such asfemblies nor be lawfully present at them. Nay it has been questioned whether the Ordinary, however he might connive, or fecretly approve, could, agreeably to the Canons, licence fuch meetings. For although the Exthe provito of a licence, yet the very next Canon, which is the 73d, makes no fuch refervation. For, by that, No Priest, or Minister of the word of God, nor any other per-sons, shall meet together in any private bouse; or elsewhere, to confult upon any matter or course to be taken by them, or upon their motion, or direction, by any other, which may any ways Vietlinate's

CHURCH of ENGLAND confidered. 331 tend to the impeaching of any part of the government and discipline, now established in the

Church of England,

THE question, I say, is, Whether private conventions or combinations, whether of Clergy or Laity, for the putting the laws in execution against profaneness and immorality, and for the reformation of other people's manners, who are not members of their fociety, by making informations against them to the Civil Magistrate, do not tend to impeach the government and discipline which is now established in the Church of England?

HOWEVER, as one would always be tender in making reflections on any persons proceedings, who appear to be influenced with a real zeal to promote God's glory, and to advance and encourage the spirit of piety and religion among their neighbours, which we are all very fensible has, of late years, fallen into visible decay; so I forbear profecuting these points any further, having already faid as much upon them as naturally arose from the tenor of the Canons which we have been confidering. will not be the for the same that her pumpers

end to the dir lubich, with which, laive doubled you to love that you thy betiteth, however dry they may have frome ea bosh to mylelf and to you. vot, at the fame time, I do not know of any filbjodie

before the specimen of the state

Vilitation Charge Anno 1752.

DISCOURSE XVI

On the three loft Canons of the fecond title about a sign of the second title about media fine a source of the second title about media fines a source of the second title about media fines a source of the second title about media fines a source of the second title about the

Reverend Brethren,

I T is now above twenty years fince I first took in hand a discussion of our obligations, as Clergymen, to the Ecclesiastical Laws of the Realm; and made use of my privilege of addressing you, on these occasions in explaining and enforcing some branch or other of those laws, each time of our meeting, in this manner, together.

So that now a great progress is made in my undertaking, and I am come to my twelfth and last Discourse upon the Canons. Which, as I hope it will meet with your wonted attention and candour, so I presume will not be the less satisfactory for putting an end to these dry subjects, with which I have troubled you so long. And yet, my brethren, however dry they may have seemed both to myself and to you, yet, at the same time, I do not know of any subjects that are generally more useful to the Parochial

rochial Clergy, or more fuitable to the defign of Ordinary Visitations.

THE three last Canons under this title of Ministers, and their function and charge, which take in what remains of my proposed scheme, come now under examination. The first of them relates to decency in our apparel; the second to sobriety in our conversation, and the last to perseverance in our calling.

Or these in their order.

AND, first, that which relates to the decent apparel of Ministers, is one of those Canons that obliges only in those general clauses, in which the end and defign is contained and expressed, exclusive of the means. The general purport, for instance, of this Canon, is to injoin a diffinction, and a gravity in the dress of the Clergy, whereby they may be known to all people to be of that Order, and be sufficiently distinguished from the laity, at all simes, and on all occasions, whether in their journeys abroady in their abode at home, or in their common conversation in their neighbourhood. But as for the particular clauses that describe and enjoin that prescript form of habit, which was used in the reign of King Edward the Sixth, and continued by publick authority in the reign of Queen Elizabeth *, they are univerfally unboothrab heray under fome finali elegration of expression

erbe delegation conts in Sparyed's Collection v. 126

In the 30th article of her Injunctions fet forth in 1559, we have these words: — " Hem, Her Majetty being debrous to

334 The RUBRICS and Clanons of the derstood to be of no force or obligation in there our days. For however decent and proper those garments might be reputed zoo years ago, when the injunctions concerning habit were thought necessary to be to be made (for realons which I whall prefently give) yet, as fashions in dress are of all things most changeable, there is a great difference introduced of late years by cultom heven theig mental order.

To have the Prelacy and Clergy of this Realm to be had as well in outward severence, as otherwise negative for the worthiness of their Ministries, and thinking at necessary to have them known to the people, in all places, and assemblies, both in the church, and without, and thereby to receive the honour and estimation due to the special Mesengers and Ministers of Almighty God, willeth and commandeth that all Archbishops, &c. — shall infeand wear fuch seemly habits, garments, and such square caps, as were most commonly and orderly received in the latter year of the reign of king Researd VI, &c. — Sparrow's Coll. p. 77.

And an her signuctions of 1564, which are called the Advernicements, we have the dreis more particularly described, with their common apparal abroad, a side gown with sleeves; strait at the hand, without any onto in the fame, and that also without any falling cape, and to wear tippers of farcanet. — That all finving Ecclesiastical Living do wear the cap appointed by the Injunctions, and they to wear no that but in their journeying. — That they in their journeying do wear cloaks with sleeves pur on, and like in fashion to their gown, without gards, welts, or cus, &c.

Now, whosever will compare these orders of Queen Estates with our present 74th Canon, will evidently see, that the latter is no more than a compound of them both, or a nevicula of them, under some small alteration of expression.

See the Advertisements in Sparrow's Collection, p. 126. — The orevalency of custom over Ganon is in no instance

See the Advertisements in Sparrow's Collection, p. 126.

† The prevalency of custom over Ganon is in no instance more remarkable than in this of dress. As may appear from the following passage in Lynused's Commentary, viz.

CHURCH of ENGLAND surfidered. 33 even in the dress of the Clergy, though it be least of all subject to change. So that those very habits defigned by the Canon to express gravity, and procure reverence, (which is the professed end of all distinctions in our habit) if now made use of by us, after another fathion hath prevailed, would produce; without fail, the very contrary effect, and render us almost ridiculous to all that should behold us. So that a literal compliance with the Canon, after it hath been to long abrogated by cuftom, in respect of the particular form of dress injoined in it, would only tend to destroy the first and principal intention of

THERE is also another thing to be considered, in abatement of any obligation to the particular clauses of this Canon, which speci-

Istud itaque, ut scil. certi viri ecclesiastici utantur cappis clausis trina vice statutum est; primo per Stephanum Cant. Archiep. Secundo per Othonem sedis apostolica legatum in Constitutione Quoniam in babitu, &c. Tertio per Othobonum etiam sedis apostolicae legatum in Constitutione Cum sansti, &c. Sed tamen ut experientia rei docet non observatur quaad boc, sieut net quaad plura alia, ubi posset dubitari annon observantes pecceut, vel aumquid nonobservantia paterit tales excusare. Johan, de Athona, in dicta Constitutione Quoniam de babitu, &c. ver. capis claufes, ponit pro fundamento quod fubditi non admiferunt has Constitutiones, & propterea arguit quod per eas non arctantur. — Lyrungad, p. 118.

And one of John de Athen's distinctions is no less remarka-

ble : " Si Constitutio non habet executionem annexam, nec " in ipla lege tollitur ulus seu consuetudo in contrarium, tunc " communis observantia legi prævalet, non acceptate, eti-. " amfi ista consuetudo fuerit contra concilia provincialia." Conft. Other P. 37. To serve and to how and stown in fy

326 The Rubkics and Canons of the fylthe apparel prefcribed; and that is, that fuch express appointment was intelided, and was indeed thought necessary, to put a conclusion to a long and warm contest * conten the Reformation, that disputes were created and held up; not only concerning the veltoments in which the Clergy should publickly officiate in time of Divine Service (as particularly the firplice, which controverly indeed ran to a great height, fo as not to have Sub-ficied intirely to this very day) but they extended moreover to the common and daily apparel of the Clergy; as may be feen in the Church Historians of those times, and more particularly Mr Strype +. And although

Caron, witch fact

The next year (viz. 1564) is remarkable for a contest about the ecclenatical habit. "The square cap, the sirplice, and the tipper, would by no means pass with some of the lare exiles. They made it their business to cry down shele customary decencies, and to proselyte the people to their singularities. These silf-supported scruples, and this missingularities. These silf-supported scruples, and particular scruples. The charges and scruples are silf-supported silf-su

CHURCH of ENGLAND confidered. 337 these disputes might have greatly abated; they were not entirely ceased at the time our Canons were published; for the reason therein given, why the use of the accustomed apparel should not be intermitted, but confinue injoined by Authority, was, in bopes that, in time, newfangleness of Apparel in some factious persons would die of itself.

Bur now this is a reason, which is of no weight with us, who live in times, when no fuch contests sublist, and all the former disputes, at least about common dress, are in a manner forgotten; or if known by a few. who have the curiofity to look into history, yet serve no other end, than to explain the

reason of this Canon.

which, though perer done

them. Infomuch that, foon after, numbers of them refuled to come to the Churches, or Sermons, or to keep the Mini-flers company, or falute them; nay, as Whitgift, in his De-ter fence writes, they fpit in their faces; reviled them in the

treets, and shewed such like rude behaviour towards them,

and that only because of their Apparel."

And how matters flood at the same time in the North, in And how matters stood at the same time in the North, in respect of the Priests Apparel, we learn from the letters wrote by Pilkington the Bishop, and Whittinghom the Dean of Durham, to the Earl of Lecaston.

"In this rude superstitious people (says Pilkington) on the borden. Priests go with sword, dagger, and such course "Apparel as they can get; not being curious or scrapulous what colour or fashion it be: and none is offended at them." But such grief to be taken at a cap among them that are civil and full of knowledge is lamentable."

See both these letters, No. 25, and No. 27, of the Apspendix to Strype's life of Parker.

338 The RUBRICS and CANONS of the

IT is further to be observed, that the compilers (of the Canons) themselves have taken care to put in a guard against too ri-gid an attachment to what is prescribed concerning Clergymen's habits, by inferting the caution which had been before given * on the same subject, viz. that their meaning is not to attribute any boliness, or special worthiness, to the faid garments, but for decency, and

gravity, and order.

THE inference is, that, fince these garments are of themselves indifferent things, those that make most for decency, gravity, and uniformity, do best answer the design of the Canon; the letter of which, in forme special clauses, is upon no better a footing than other antiquated and obsolete laws: which, though never formally repealed, do vet remain in no force of obligation, being universally neglected and overlooked. A reason which discharges from the obligation cate as the state and the

lans and A vision for

Passa's lejunctions 1959. "Not thereby meaning to attribute any holinels, or special worthiness, to the said garments, but, as St Paul writeth, some decenter of section two ordiness feat." Sparrow, p. 78.

Prof. to the Advertisionate 1964. "Not as how to bind the conscience of her subjects in the nature of them considered by shemielves, or as they should add any efficacy or more holiness to the virtue of publish prayer; but as temporal orders meanly Ecclesiastical, without any vain superfiction, and rules in some part of discipline concerning decency, diffinction, and order for the time." Sparrow's ollections, p. 122.

CHURCH of ENGLAND considered. 339 of all laws, but such as are either natural or Divine, and consequently indefeasible.

Bur, however, a decency in the Apparel of Clergymen, that is, such as the custom of the times makes to be decency in the opinions of men, in every several age and country, is so far from being antiquated, or becoming obsolete, that it is every-where and constantly expected; and every deviation from it is apt to be noted and censured. For however indifferent habits may be of themselves, having in their own nature as little of prophaneness, or special demerit, as they have of holiness, or special worthiness, according to this Canon; yet they may be fuch as shall not only be highly offensive to fober and ferious persons, but shall also de-note a weakness of mind and a levity of temper in the person that wears them, that must inevitably hurt his character, and discredit his understanding. A man's garb doth often shew what be is. And in our profession there needeth not any extraordinary humour of extravagance, or delicacy, to shew what a man is not, viz. that he is not a Clergyman, at least, that he is one who is not really defirous to be thought fo.

THERE is good sense in an old saying, I think of St Jerom's, against all laboured elegance of dress in a Minister of the Gospel, ne calceaments quidem decorem quarat. Whatever may be remarked in any part of

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his attire, betokening or giving suspicion, that his mind is swayed by any other motives than those of cleanliness or decency, according to his rank and station in the Church, will as much tend to disgrace his judgment in the eyes of sober and wise men, as to grace his person in the opinion of those

who are less discerning.

Bur to come to a conclusion of this article. The points I have been speaking to being duly confidered, we can be under no difficulty in knowing how we may fulfil the end of this Canon, as circumstances now frand with us. For that end is as eafily obtained under the present modes of our habit, as it was heretofore. For there are some parts of our peculiar dress, which will at all times, and in all places, fufficiently distinguish us from laymen, and which may without the least inconvenience be worn on every occasion that calls us abroad, and even upon journeys. Such badges of our order, for instance, as the band, hatband, or short caffock; which latter I the rather mention here, because it falls in with one of the directions in this Canon, which is yet very practicable as well as decent: viz. uti ne in

Vestimentis etiam vel calceamentis nisi que honestatem la religionem deceant eis (sc. Clericis) uti non liceat. Si quis autem contra hoc sacere presumpserit, le commentus emendare noluerit, excommunicationi subjaceat. Conc. Westmonass., 1175. ex Concilio Agathens. Spelman. Conc. p. 104.

CHURCH of ENGLAND confidered. 341 publicum nisi promissis vestibus induti prodeant: which promissis vestes are interpreted in a marginal note by cassocks, and in the English version of the Canon by a paraphrase, which implies a liberty of wearing them short.

I THINK it quite needless to be more particular on this head, and shall only add a query upon a modern practice, admitted by some of our Order without scruple, and by home that I know of condemned

The case is this, and is pretty singular. There are certain places of innocent diversion and entertainment, where Clergymen without their proper habit are allowed to appear without offence. But whether their appearing there, habited as Clergymen, might pass without censure, is yet a question. Indeed, their thinking themselves obliged, when they resort to those diversions, to go in a meer lay dress is a presumption, that it would not be taken well, if they appeared in that which is proper to their calling. Now I am not inclined to resect upon any of my brethren, who think proper to take the benefit of this tacit indulgence, and accommodate their dress

I read promiss from the Latin edition of the Canons in Dr Wilkin's Councils, instead of premiss, as it stands in all the other copies I have seen.

the other copies I have seen.

The marginal note is singular, being the only instance of that kind in the whole body of Canons. The paraphrase in the English version is — in their doubles or bose, wishout coats of cassociety.

and the same

The RUBRICS and CANONS of the

fo as to intitle themselves to this connivance. But I apprehend it will not be easy to reconcile it with the general and primary intention of the Canon, which is, that all perfons in Holy Orders shall use the clerical habit for this reason, ut extra ecclesiam a populo discerni possent ac internosci *. And time was, when the prohibition of the use of our habit was inflicted as a censure +. But although I will not blame others for joining with the laity in any amusements that are innocent, and in a way that by cuftom and in common interpretation gives no offence; yet I will not scruple to confess, for my own part, that I never thought any entertainment worth my feeking, or receiving, if I were obliged to diffquite myfelf, while I partook of it, For what the world will not allow me to thare in publickly, with due credit to my Order, Thad rather forego the fatisfaction of, than take it on the terms of such a whimfical and precarious courtefy. For, as their supposed disallowance of our habit on such occasions, if real, would be very unreasonable. to their apparent civility and favour in the

That they may be known by their diffinct habits to be of that vocation. Prof. to the Advertificants.

† All fuch persons as have been or be Ecclesialical, and serve not the Ministry, shall from henceforth abroad wear none of the faid Apparel of the form and fashion aforesaid, but go as meer laymen, till they be reconciled to obedience. des Advertisements 1564. Sparrew, p. 127.

CHURCH of ENGLAND confidered. 343

matter, as now conducted, amounts to no more than a temporary connivance at the disguise, under which some of us seek to

elude their displeasure.

Bu T to proceed to the next Canon, intitled, Sober conversation required in Ministers. And which, like the former, is no more than a republication of former Injunctions by Henry VIII *, Edward VI, and Queen Elizabeth, against Clergymen's resorting to publick houses to indulge there in riot and gameing. And, with regard to our obligations to it, it is subject to much the same + distinctions that I have been observing upon

This Canon is taken almost word for word out of King Henry VIII's Injunctions in the 28th year of his reign, when he first exercised his Regal Supremacy. The Clergy were then Popish, save only that they acknowledged the King's Supremacy. See Burnet's Hist. Ref. Vol. I. p. 225. See these Injunctions at length, Book III. Sect. 7. p. 160. Or

in Wilking's Councils, Vol. III. p. 814.

The fame Injunction is repeated among those of Edward VI, in 1547. Sparrow's Coll. p. 4. And is made an article of enquiry, at that King's Visitation, by Archbishop Cramer. See ibid. p. 37. And again by Ridley in his Visitation of London, Anno 1550. See ibid. p. 35.

It is again repeated at length in Queen Elizabeth her Injunction.

junctions, Anno 1559. See ibid. p. 69. And is made an article in her Visitation the same year. Ibid. p. 177.

Prom the relation of the subject matter of this Canon

to that of the former, they are comprized in one, in the Dubdin Constitutions, viz. Canon the 42d, under the title of Soberness of conversation and decency of apparel required of Mini-flers. In which Confliction our 74th and 74th Canons are found totidem verbis, with this only difference, that the 75th is placed before the other. See Wilkins's Councils, Anno 1635. 344 The RUBRICS and CANONS of the the preceding Canon, that is to fay, the general clauses are of perpetual obligation in their own nature, viz. " that we should " occupy ourselves with some honest study, " or exercise, always doing the things which appertain to honesty, and endea-" youring to profit the Church of God, " having always in mind that we ought to excel all others in purity of life, and flould be examples to the people to live well and christianly." But then, as to some of the special restraints, they are discreetly limited in the Canon itself to certain conditions; for, though, for instance, we are prohibited from " resorting to Taverns, or Ale-bouses, " or boarding or lodging in any fuch places,"
yet this prohibition is qualified by an exception for our bonest necessities *; and as for the

And this union of them is quite agreeable to the old Provincial Conflictations, where those which relate to the Apparel of the Clergy, are put under the general title De with St. be-suffel Clergerus. Tit I. Lib. III. Where the summary of the first Conflictation of Stephen Langton is thus expressed — Omnes presan had conflictatione nominandi, in habita clericali & cappia clausis incedant: nec quivis clericorum comatus ant in laicali vestitu nis in casu legitimi timoris est. Et omost crepulem is christates witers compellanter. Lynwood, Edit. Oxon. P. 117.

**Clerici in sacris ordinibus constituti, reledi ves bibendi casses tabernas non ingrediantus, nec publicis potationibus interint nis peregrinationis accessivate compuls. Si quis vero table quid secent, aut cesset, aut deponatur. This Canon was transferred from the 3d Council of Carthogs, by the Council at Westersser; 1175. See Spelm, Counc. and Bishop Gibson, P. 1845.

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CHURCH of ENGLAND confidered. 345 other special restraints, such as the prohibition of cards, dice, and tables; they are things, in their own nature, as indifferent as the modes of Apparel are: And, though indeed they are in this Canon put upon the footing of unlawful games, yet they are not otherwife illicit, than as they are made fo to certain persons, for certain reasons, by human authority, or rendered fo by excess and abuse: If any shall suppose that it is only this excess, or abuse of games or play, that is forbidden in the Canon, I will not say but it will bear fuch interpretation; for as the foregoing prohibition, nec potationibus & crapula fe dedent, does plainly relate to excess or the inordinate use of liquor; fo the next expression, nec tempus interdiu vel noctu otiofe transigent in alea, chartis pictis, tefferis, aliifoe ludis illicitis exercitati, may be levelled only against the use of these games in an immoderate licentious way, and at unseasonable hours; and not against a moderate and discreet use of them. Or should we interpret the expression in the very firstest sense, as requiring the Clergy sotally to refrain from these games, as being ranked with other unlawful games; yet we are to remember, that what was prohibited as difreputable to the Clergy, and unlawful as prohibited, in that age when these Canons were compiled, may, in these our times, be neither difreputable under a difcreet conduct, (which condition is supposed) nor unlawful though

346 The Rubrics and Canons of the though literally prohibited, through the open

and avowed indulgence of those who are the

guardians of these laws.

THE credit we know, or the discredit, of any actions or behaviours which are in themselves of an indifferent nature, depends altogether upon modes and customs peculiar to the times, and on the opinions of men which are generally governed by those modes and cultoms. It might be a maxim in former ages, that Ecclefialticks ought to sequester themselves from all secular amusements, and on no account condescend to handle a card, or a dye: and confequently their doing fo, especially in any place of publick resort, might give very great offence. Yet the tafte of the world is now much altered in this respect; nor are offences taken at the Clergy, as formerly, for using these diversions, so long as they do it with moderation. So that we are free from all other restraints as to the exercise of these games, save that which is supposed to subsist in the wording of this Canon. Yet by this the Clergy can fcarce be thought to be bound: for so far as there is a relaxation of Ecclefiastical censures, and even a cellation of enquiry from their Superiors into their conduct on this article, fo far their obligations to refrain from these customary amusements are relaxed. And, although these specifying clanses in the Canon may not be properly faid to be thereby abrogated, dendili

CHURCH of ENGLAND considered. 347 abrogated, yet we may justly plead, for our non-observance of them, that general tacit dispensation which I have so often referred to, in my former discourses, as a sufficient discharge, in all cases, for receding from the

strictness of the letter of the Canons.

THERE is therefore no room left for censuring those who claim this customary indulgence, and make use of it, so long as they do it with fobriety, decency, and prudence. For indeed it doth still import them to keep within these limits, or otherwise their conduct becomes hurtful to themselves, and offenfive to others. Whenfoever this liberty becomes fuch a fnare to us, that it tempts us, as the Canon expresses it, to spend our time idly by day, or by night; whenever it breaks in upon any of the duties of our calling, or puts us under the character and denomination of those who do not occupy themselves with honest studies; in one word, whenever it disqualifies us from being examples to others in living well and christianly, then it becomes difreputable and blameable; is fure to fall under the censure of all confiderate and discerning persons who obferve it, deferves the centure of our Church-Superiors, and would fall under that too, if they were scasonably apprized of our fault.

And this I think is as much as I need to fay on a practice, which, as the times are now, depends more upon custom than upon

deprivations.

rule,

348 The RUBRICS and CANONS of the rule, and is a matter of discretion rather than of Ecclesiastical Law.

AND as for the last Canon, intitled, Ministers at no time to forsake their calling, a very short comment upon it will suffice.

THERE is a Constitution in 1572 to this effect, from whence I suppose this in the present Canons is immediately taken: with this only difference, that the expression in the former, nec fe aut veftitu, aut habitu, aut in ulla vita parte geret pro laico, is thus contracted in the latter, nec in vitæ suæ instituto pro laico fe geret. The meaning of both is evidently the same, viz. that the Ministry, being once chosen by any man to be his profession, must be made his profession or chief buliness, and be diffinguished from the lay-estate in all it's apparent characters, till that distinction shall by some judicial sentence be taken away. Our entering into Holy Orders is indeed a free and voluntary act, but withal it is such a folemn dedication of the remainder of our lives to the fervice of the Church, as leaves us not at liberty to retreat at pleasure from the duties of the function, or to cast off the guile and external badges of our character, till we are stripped of them by some act of

1112

Semel autem receptus in facrum Ministerium ab eo imposterum non discedet, nec se aut vestitu, aut habitu, aut in ulla vitre parte geret pro laico. Consist. 1572. Gibson's Consex, p. 184.

CHURCH of ENGLAND confidered. 240 deprivation, as folemn and authoritative as that of our Ordination.

AND this, I think, is all * that is implied in the words of the Canon, or deducible from them. And that a Minister is not thereby prohibited from profecuting any studies, or exercifing any arts that are liberal and useful, though they be commonly ranked among the Lay-professions, or temporal callings, fuch as Law, Phyfick, Surgery, and in some circumstances Traffick too +. There are measures and degrees within which a Clergyman may employ his peculiar talents for any of these ways, with profit to others, and with credit to himself, without either abandoning his proper calling, or being

And is quite confonant to the ancient Canons. Si quis Clericus, relicto officii fui ordine, laicam voluerit agere vitam, vel se militie tradiderit, excommunicationis possa seriatur.

Conc. Tur. c. 5. And that other of the Council of Chalce
don — Bos qui Clero semel ordinati sunt, statuimus nec ad militarem expeditionem, nec ad fecularem dignitatem posse venire. Qui autem hoc audent & non poenitentia dusti ad id revertuntur quod propter Deum prius elegerunt anathematizari. Beveridge's Cod. Canoman, Vol. I. p. 119.

+ By the ancient Canons, no employments feem to have

medeinm

been expressly forbidden but that of the Army. By the Apodelical Canons the Clergy were forbid sealing syonal or
under pain of deposition: which Balfamen and Zeneras interpret, not only of bearing arms, but of any kind of employ in pret, not only of bearing arms, but of any kind of employ in the military service. But there seems no warrant from the Canon to extend the word seglest, as some would do (see Nicheli's Supplement) to all kinds of secular business. Nor indeed is there any necessity to construe nosquinals agest is another Apostolical Canon, of Lay-business, or Worlds business in general. For this means only what men renounce at their Ordination, viz. the flush of the world and the flash. remus

350 The Runnics and Canons of the remifs or unfaithful in the discharge of his clerical duties.

INDERO, bufe und ferville labour is prohibited in a former Canon. And every mechameal employment, in the way of a trade, is probably included in that prohibition, or, if it be not, it is too much of the effence of lay-business to be used by us without blame or differedit; only I would observe here, that as the necessity of a man's circumstances is a law of ittelf, when no other express law interferes; to if it can be supposed to have place in this kingdom, where there are legal provisions for the Ministry, I should imagine that a Clergyman, driven by meer necessity a support himself by industry and labour, though in a properly lay business, would stand absolved from all censure, especially if he did at the fame time fulfil, to the belt of his power, the common duties of his vocation *

In a word, a Minister must do something or other to shew a behaviour, which may justly be interpreted a for jaking of his calling, before he can incur the penalty of this Canon, which is no less than excommunication. A sentence much too severe for those occasional

remiis

interferings

And I apprehend thus much is implied in one of the Prostation to be subscribed on admission to a Cure, by she Advertisants of 1964, vin. I shall not openly intermeddle with any artificers occupations, as constably to feel a gots thereby, having in Ecclesiastical Living to the sum of 20 Nobles, or above, by year: See Sparrow's Collections, p. 128.

CHURCH of ENGLAND confidered. 351 interferings in the occupations of the laity, which I have been mentioning; and yet altogether just and proper to be awarded against those who totally, and, as the Canon puts it, voluntarily relinquish the Ministry. Instances of such abdications are, God be thanked, very rare. And instances of this penalty institled are rarer still. For which neglect of of Church discipline in so extraordinary and unusual a case, there are, I believe, better reasons to be given, than can be assigned for the unworthy behaviour for which the censure was intended.

AND here, my Brethren, I conclude what I had to fay upon the feveral Ecclefiaffical Laws, in which the parochial Clergy are more immediately concerned. Among which I have not omitted to confider occasionally those statute laws too, which any ways relate to the offices of our Ministration, as particularly on the article of Uniformity, and of the obligation to conform to the Rubrie as being Act of Parliament. But as for the remainder of the statute laws, in which indeed we are interested very much, but which relate only to our temporal rights and poffer fions, and the manner of qualifying ourfelves for a legal claim to them, and the ways of reaping, maintaining, and holding them, and the methods of recovering them when loft, or unjustly detained from us, with every of ther right or privilege belonging to us, which

which depends either on common or statute law: I say as to all these, though they make, when drawn together, a large body, which is not improperly called Clergyman's-Law, and likewise contain an ample sund of profitable knowledge to us, I have two rea-

the subject of my discourses to you.

One is, that, indeed, I have made them the least part of my own study and enquiry, and am but ill qualified to give you any good edvice or safe directions concerning them.

ions to induce me to forbear making them

THE other is, that, were I fo much a mafter of them, as to be able to difcourse ver to pertinently and fatisfactorily upon hem, yet neither is this a court in which fuch lew points should be canvasted, for they belong properly to the temporal courts; neither am I of the profession of those Gentlemen whose province it is to discuss, at least in a publick manner, and to determine upon fuch matters: neither, laftly, must I stand unadmonished by what I myself have been just now suggesting, about the unscasonable nels of increaching (except on fome extraordinary occasions) on the proper business of the laity: who are apt enough to remind us of our trespass, if they find we dray beyond the bounds and limits of our vocation. They especially who lay claim to the busitheir own profession, and tax us with going which interfa

out of our road, whenever we take upon us to give judgment on points of Common or Statute Law, and indeed with very good reaction, should we offer to do so in any open court.

I no therefore very willingly refign this whole branch of study and knowledge into the Common Lawyers hands; on whose opinion we may with the most safety rely, in all cases where our temporal rights and properties are in question, and determinable in their courts; and we shall find it employment enough in our own way, nay and find it distinctly enough, as I judge by myself, to get tolerably well acquainted with those other laws that come within our proper cognizance, being purely Ecclesiastical, and of immediate concernment to our Ministry.

A COMPETENCY of this knowledge becomes every Clergyman, though I fear it is generally too much flighted and overlooked by us, as of little account or consequence, in the present low and decayed state of Church discipline, and under the discouragements that the study and practice of the Canon Law meets with, from the extent of jurisdiction now claimed by the temporal courts.

However, as the nature of my office required, that I should turn my thoughts a little more to these studies, than I should probably have been inclined otherwise to have done; and as it is fit you should share in any benefits,

354 The RUBRICS and CANONS of the Sec. benefits, be they more or less that I am capable of reaping from these studies; I have ondcavoured to discharge my own obligations, and pay the respects I owe to you, by collecto ing and propounding the most useful remarks upon the Rubrics and Canons, that occurred to my felf in a careful revital of them, with nay reacher And I that! be abundantly recompensation any require I have taken herein, if I may have reasonable grounds to perfeade myfelf, that you are to good as to according to the best of my abilities; drawn up on these fabjeds for your confideration and nie. laws that come within our project econicanse.

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cornes every Clerythan, though I fear it

as of Aut Canta Sula nence,

PAGE: line 22 for extend roos extended p. 70. l. 23 for former, r. insther. p. 71. l. B. for out, r. but. lbid. l. 21 for grounds. r. grounded p. 93. l. 36 for Bafin, r. Bason. p. 166. l. 25 for inverted, r. invented. p. 106. l. 28 for his, r. his. p. 138. l. 11 for Clergyman. Clargemen. p. 162. l. 15. arx way add of. p. 165. l. 18. for Simoniacale. 1. Simoniacal. p. 169. l. ve. for in. r. p. 258. l. 30. for reasons; r. respect. p. 204. l. for comod, r. cannot. p. 265. l. 23, and 24. for absolute. r. absolute p. 266. l. for pecunicary, r. pecuniary. p. 307. l. 19. in the Notes, s. improvement of p. 308. l. 14. r. that the Canon. Ibid. l. 23 for entrances, r. entries. p. 370. l. 5. in the Notes, r. inhus cujusquam.



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